



Meeting of the

DEVELOPMENT COMMITTEE

Wednesday, 19 October 2011 at 7.00 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 Md. Maium Miah Councillor Helal Uddin Councillor Marc Francis	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, 19 October 2011

7.00 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

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

	PAGE NUMBER	WARD(S) AFFECTED
3. UNRESTRICTED MINUTES		

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of Development Committee held on 14th September 2011.

3 - 10

4. RECOMMENDATIONS

To RESOLVE that:

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

5. PROCEDURE FOR HEARING OBJECTIONS

	To note the procedure for hearing objections at meetings of the Development Committee.	11 - 12	
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6 .1	St David's Square, Westferry Road, E14 (PA/10/2786)	15 - 48	Millwall
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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

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

Declaration of interests for Members

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

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

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

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

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

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

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

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

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

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

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 14 SEPTEMBER 2011

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

Members Present:

Councillor Helal Abbas (Chair)

Councillor Kosru Uddin
Councillor Tim Archer
Councillor Shiria Khatun (Vice-Chair)
Councillor Marc Francis
Councillor Helal Uddin

Other Councillors Present:

None.

Officers Present:

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

1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Craig Aston for whom Councillor Tim Archer was deputising.

2. DECLARATIONS OF INTEREST

Councillor	Item(s)	Type of interest	Reason
Tim Archer	7. 1	Personal	Lived in a gated development on the Isle of Dogs.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 24th August 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 St David's Square, Westferry Road, E14 (PA/10/2786)

Update Report tabled.

Owen Whalley, (Service Head Planning and Building Control) introduced the report and tabled update report concerning St David's Square, Westferry Road, E14 (PA/10/2786).

The Chair then invited registered speakers to address the meeting.

Fred Sutton spoke as the Applicant's Agent. He was the Chair of the St David's Square Residents Association and a resident of the square. He expressed concern at the many acts of vandalism and incursions in the Square. The Applicant had held meetings to mitigate such concerns and the Police have suggested a number of alternative options. None of which had solved the problems. The only solution was to gate the community as proposed. The square was a microcosm of London and there were issues in achieving community cohesion. For example it was impossible to identify residents and invited visitors. The proposal would facilitate community cohesion and would also improve security. He referred to gated schemes nearby secured due to similar problems with nuisance behaviour. This precedent could be followed here. The residents funded maintenance, repair of damage and improvement works however the lack of gates undermined this. The square was seen as a soft option for criminals.

Members then put questions to Mr Sutton. He responded that the Applicant did consider gating the water feature to prevent anti social behaviour. However this would also require planning permission. It would also hinder permeability making residents including children walk extra distances via dangerous roads. Segregating the development in this way would also be divisive and cause a lot of inconvenience. In terms of accessibility the plans remained as per the last application. He explained the pedestrian entrance changes via Westferry Road. There would be little inconvenience. The residents most affected were supportive of the changes.

Jerry Bell (Strategic Applications Manager) presented the detailed report assisted by a power point presentation. Mr Bell explained the site, location and nature of the proposal, deferred in April 2011 by the Committee for further information now before it. Mr Bell explained the outcome of the statutory consultation including the representations in support and the case for refusal as recommended by Officers.

In relation to crime, Mr Bell referred to the statistics from the Police comparing crime levels in each ward in LBTH. The report also provided a break down of the types of crime in St David's Square itself. He also reported the advice of the Council's Crime Prevention Officer. Their advice indicated that crime in the square was higher than expected in terms of certain crimes. However crucially the levels of crime were not exceptional compared to other areas in LBTH. Therefore there were insufficient levels to justify contravening policy and creating a gated community. Lesser measures should be tried as set out in the report. The plans would also decrease permeability and access, be visually intrusive and create unacceptable level of segregation. For these reasons the application contradicted policy so should be refused.

Members then put a number of questions to Officers.

Questions were raised over crime levels in Millwall given the statistics in the report. According to a Member, the ward had the fourth highest crime rates in LBTH, twice as many as the lowest rated ward. It was questioned what levels of crime justified gating a community. As well as the recorded crime, Members

also had regard to the incidents of anti social behaviour recorded by residents in the log books.

A key issue for Members was whether the residents in the square itself were experiencing higher than average incidences of crime as suggested by the Crime Prevention Officer.

The Committee also referred to gated communities nearby. In particular the Lockesfield Place site scheme allowed on appeal due to local concerns over crime. It was argued that the reasons for allowing this application also applied in this instance. This case justified similar action. The Committee requested that the recommendations be reviewed with this in mind.

Members also asked about the measures to prevent misuse of the water feature. Concern was expressed at the option of glass screening. Was there any other measure that could be tried. Members also questioned the crime comparisons. Specifically the logic in comparing Millwall with all wards rather than just similar residential areas. It was also asked whether the plans would restrict access to the Thames Pathway.

Some support was also expressed for trying the alternative options.

Mr Bell than responded to each question. He referred to the crime statics supplied by the Crime Prevention Officer and the Police. Planning based their judgements on expert advisers who were of the view that, whilst crime in the area was higher than expected (say in relation to Blackwall and Cubbitt Town) it was not significant enough to warrant gating the square. They were not exceptionally high. That was the key issue. The information was based on the latest statistics. He also explained the reasons for comparing Millwall with all wards as this was requested by the Committee at the last meeting.

It was also feared that gating the community could displace the problems elsewhere and segregate the community. The scheme would also restrict permeability via the Thames Pathway. In relation to the Lockes Field site, a key difference was that it didn't affect the permeability of that site as there was no through route there.

Mr Bell also explained the options in relation to the central water feature. A number of measures could be explored to prevent its misuse as set out in the report.

On a vote of 2 for 3 against, the Committee **RESOLVED**

That the Officer recommendation to refuse permission for the erection of entrance gates to Westferry Road, Ferry Street and Thames Walkway together with associated walls to perimeter estate be **NOT ACCEPTED**

The Committee indicated that they were minded not to accept the recommendation due to the following reasons:

- The levels of crime at St David's Square.

- The precedence set by the Lockesfield Place Appeal, which adjoined the site.

In accordance with Development Procedure Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future meeting of the Committee setting out the implications of the decision.

7.2 British Prince Public House, 49 Bromley Street, London, E1 0NB (PA/09/02576 and PA/09/02577)

Update Report tabled.

Owen Whalley, (Service Head Planning and Building Control) introduced the report and tabled update concerning the British Prince Public House, 49 Bromley Street, London, E1 0NB (PA/09/02576 and PA/09/02577)

The Chair then invited registered speakers to address the meeting.

Helen New spoke in objection to the application. She objected on a number of grounds. Any development would unduly impact on parking, attract crowds and anti social behaviour. Furthermore, the plans failed to show: the location of the waste facility, the impact on noise in the evening and the health implications. It also would damage the listed building as the Applicant had in the past failed to apply for listed building consent. She requested that the sale of fast food and alcohol be prohibited, that the terminal hours for the A1 use be limited to 7pm, there be a ban on signage harmful to the building and parking outside the area. There was a case for the Council to take back the premises and use it for community purposes.

Members then asked questions of clarification of the speaker. In reply she stated that there was a large crate (bin) situated on the pavement . The plans failed to show exactly where the refuse bins would be located and this would add to the existing problems with waste storage on that road. She feared that visitors of the retail shop would park their cars on the corner in visiting it in blind spots especially as there was a school at the end of the road.

Samir Hawes (Applicant's Agent) addressed the Committee. The Applicant stated that the existing planning permission was for a public house which generated anti social behaviour. The plans for retail use with housing would greatly reduce such incidences compared to a pub and be more in keeping with the area. In addition the premises was in need of restoration and inhabited by squatters. There were also issues with vandalism and crime. The plans would restore the building, improve security and respect and maintain the listed building. It would be car free. The refuse storage system would be located within the building. In terms of the commercial use, the initial idea was to have a grocery store.

Mr Jerry Bell (Strategic Applications Manager) presented the detailed report assisted by a power point presentation. He explained the location of the site and the poor state of the existing building. The plans would bring the building

back into use and would significantly improve the site and the area. The scheme protected amenity with no significant impact. Furthermore, the hours of operation of the A1 unit would be controlled to protect amenity. Therefore it was a significantly better option on amenity grounds compared to a public house. The waste storage facilities complied with policy and would be retained on the site.

Members asked questions of Officers regarding: the idea of whole residential use, the reason for the 10pm closing time for the A1 unit, the concerns around signage damaging the buildings, how this would be prevented, the enforcement history at the site and the measures to prevent cars parking on the corner whilst using the shop.

Members also asked whether restrictions could be imposed to control parking on the corner. Whilst not a planning issues, Officers undertook to put their views regarding this matter to Highways responsible for such matters.

Officer also addressed the other points. It was required that any signage put up should complement the building and would be controlled. The opening hours of the retail unit would be restricted. It was not normally necessary to impose restrictions on shops due to their compatibility with residential areas. However it was considered that this would mitigate the concerns. Highway Services have no issues with parking and the servicing arrangements were acceptable. The proposed use would protect the internal features of the listed building far better than whole residential.

Councillor Marc Francis moved an amendment to the conditions, seconded by Councillor Tim Archer changing the hours of operation of A1 to 07:00 – 20:00 (from 07:00 -2200). On a unanimous vote this was **AGREED**.

On a unanimous vote the Committee **RESOLVED**

1. That planning permission and Listed Building Consent be **GRANTED** for Works to a Listed Building and change of use from public house (Use Class A4) to retail (Use Class A1) on front ground floor and conversion of rear ground floor and first floor to form one x one bedroom flat and one x three bedroom flat subject to:
2. That the Head of Planning and Building Control is delegated power to impose conditions [and informatives] on the planning permission and the Listed Building Consent to secure the matters set out in the circulated report, including the following amendment:
 - That the hours of operation of A1 be 07:00 – 20:00

8. OTHER PLANNING MATTERS

8.1 Phoenix School, 49 Bow Road, London, E3 2AD (PA/11/00400)

Owen Whalley, (Service Head Planning and Building Control) introduced the

report concerning Phoenix School, 49 Bow Road.

Mr Jerry Bell presented the detailed report outlining the key issues.

On a unanimous vote the Committee **RESOLVED**

That the application for the Internal remodelling and refurbishment of Grade II listed building, including removal of internal partitions External works comprising of the installation of three air-conditioning units, an extract duct and two ventilation louvers be referred to the Government Office for London with the recommendation that the Council would be minded to grant Conservation Consent subject to conditions as set out in the report.

8.2 Planning Appeals

Owen Whalley, (Service Head Planning and Building Control), presented the report. The report provided details of appeals, decisions and new appeals lodged against the Authority's Planning decisions.

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

RESOLVED

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

The meeting ended at 8.30 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: 19 th October 2011	Classification: Unrestricted	Agenda Item No: 6.
Report of: Corporate Director 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. The following information and advice applies to them.

2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
14 th September 2011	PA/10/2786	St David's Square, Westferry Road, E14	Erection of entrance gates to Westferry Road, Ferry Street and Thames Walkway together with associated walls to perimeter estate.	The levels of crime at St David's Square. The precedence set by the Lockesfield Place Appeal

3. CONSIDERATION OF DEFERRED ITEMS

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

- St David's Square, Westferry Road, E14 (PA/10/2786)

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

4. PUBLIC SPEAKING

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

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

Brief Description of background papers:

Tick if copy supplied for register:

Name and telephone no. of holder:

Application, plans, adopted UDP, Interim Planning Guidance and London Plan

Eileen McGrath (020) 7364 5321

5. RECOMMENDATION

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

Agenda Item 6.1

Committee: Development	Date: 19 th October 2011	Classification: Unrestricted	Agenda Item No: 6.1
Report of: Corporate Director of Development and Renewal Case Officer: Mandip Dhillon		Title: Planning Application for Decision Ref No: PA/10/2786 Ward(s): Milwall	

1. APPLICATION DETAILS

Location: St David's Square, Westferry Road, E14
Existing Use: Residential
Proposal: Erection of entrance gates to Westferry Road, Ferry Street and Thames Walkway together with associated walls to perimeter estate.

Drawing No's: E101-00A, E02-02, E02-01, P02-01, P02-04, P02-03, E02-04, E02-03, P02-02 and E01-01.

Supporting documentation:
Planning Report prepared by T.J.Edens

Applicant: Consort Property Management
Owner: Freehold Managers PLC
Historic Building: None within site, however site adjoins the Ferry House Pub which is Grade II listed.
Conservation Area: South eastern corner of the site only- Island Gardens conservation area

2. RECOMMENDATION

- 2.1 That the committee notes the details of this report and officers' advice regarding the appropriate form of the suggested reasons for approval when resolving to approve the planning application proposing the erection of entrance gates to Westferry Road, Ferry Street and Thames Walkway together with associated walls to perimeter estate.

3. BACKGROUND

- 3.1 At its meeting of 14th September 2011, the Council's Development Committee resolved **NOT TO ACCEPT** officers' recommendation to REFUSE planning permission for the of entrance gates to Westferry Road, Ferry Street and Thames Walkway together with associated walls to perimeter estate.
- 3.2 Members were minded to approve planning permission for the following reasons:
- The levels of crime were perceived to provide exceptional circumstances for allowing the provision of a gated community.
- 3.3 Officers have interpreted members' reasons/comments and have drafted the following reason for approval to cover the points raised:
- *The proposal to introduce security measures at the site are considered necessary due to the perceived levels of crime at the application site and therefore warrant the provision of gates and fixed means of enclosure and is a material consideration that*

outweighs the requirements of policies DEV3 and DEV4 of the Interim Planning Guidance 2007 and policy SP09 of the Core Strategy 2010.

- 3.4 That the Head of Planning and Building Control is delegated power to impose conditions on the planning permission to secure the following:

Conditions on Planning Permission

- 1) 3 year Time Period
- 2) Development to be carried out in accordance with the approved plans
- 3) Materials and detailing of walls to match existing
- 4 Railings to be painted black to match existing
- 5) Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

4.0 APPLICATION HISTORY

- 4.1 The current planning application PA/10/2786 was first presented to the Development committee on 6th April 2011 with a recommendation for refusal. At the 6th April 2011 planning committee, Members deferred the decision on this application in order to seek further information on the following matters:

- The levels of anti-social behaviour at St David's Square and comparable levels with the remainder of the Isle of Dogs and the Borough;
- The availability of alternate routes to Thames Walkway and Westferry Road and any likely access restrictions.
- It was also recommended that a meeting of Millwall Crime Team, the local Police and residents should be arranged to discuss problems of anti-social behaviour affecting St David's Square.

- 4.2 Following the Development Committee, the Councils Crime Prevention Officer prepared two reports relating to the site, one relating to safer by design crime prevention measures and the second looked at crime statistics in the Isle of Dogs and at the application site. The Crime Prevention Officer advised, following an analysis of the crime levels at the estate that the crime were not of an exceptional level to warrant the gating of the development site and other measures should be used such as safer by design measures.

- 4.3 The applicants also provided further information prior to the Development Committee meeting detailing the incidents recorded on site, measures which had been implemented on site to date and details provided from the Management company relating to cycle parking provision.

- 4.4 Following the submission of additional information, an on-site meeting was arranged at St David's Square which was attended by the Crime Prevention Officer, the Planning agent, members of the residents association at St David's Square, a member of staff from the concierge desk at St David's Square and planning officers. The meeting principally focused on assessing the options put forward by the Crime Prevention Officer which involved interventions at the site without providing gates. All of this information was before members at the September 14th Development Committee, with an officer's recommendation to refuse planning permission. As stated above, the 14th September Development Committee resolved not to accept the officer's recommendation, in view of the perceived levels of crime specific to St David's Square estate.

5. IMPLICATIONS OF THE DECISION

- 5.1 Whilst Members are minded not accept the officer's recommendation to refuse planning permission in view of the exceptional circumstances related to this particular case, Policy

SP09 of the Council's adopted Core Strategy explicitly states that Council will protect, promote and ensure a well connected, joined up street network that integrates street types and users by not supporting developments that create gated communities which restrict pedestrian movements. Future planning applications for similar forms of development will need to continue to be considered in accordance with policy SP09 of the Core Strategy and the principle for resisting gated communities unless other material considerations indicate otherwise. Members are reminded that each case should be judged on its individual merits.

- 5.2 Members are advised that this application may be referred to when future applications and appeals for gated communities are submitted to the Council in the future although each case should be judged on its individual merits.

6. CONCLUSION

- 6.1 All other relevant policies and considerations have been taken into account. It is recommended that Members consider the draft reason for approval and associated conditions alongside the previous reports presented to the 6th April and 14th September 2011 Development Committees (both appended to this report) and Section 4 of this report and determine the planning application as they see fit.

(The appendices referred to in the 14th September 2011 Development Committee report are not appended to this report, but can be obtained from the Council Website or Democratic Services.)

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Committee: Development	Date: 14 September 2011	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Mandip Dhillon		Ref No: PA/10/2786	
		Ward(s): Millwall	

1. APPLICATION DETAILS

Location: St David's Square, Westferry Road, E14
Existing Use: Residential
Proposal: Erection of entrance gates to Westferry Road, Ferry Street and Thames Walkway together with associated walls to perimeter estate.

Drawing No's: E101-00A, E02-02, E02-01, P02-01, P02-04, P02-03, E02-04, E02-03, P02-02 and E01-01.

Supporting documentation:

Planning Report prepared by T.J.Edens

Applicant: Consort Property Management
Owner: Freehold Managers PLC
Historic Building: None within site, however site adjoins the Ferry House Pub which is Grade II listed.
Conservation Area: South eastern corner of the site only- Island Gardens conservation area

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

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

- *The proposal would introduce security measures at the site which are overbearing and would compromise the visual quality of the local environment. The level of incidents of crime at the application site are not exceptional to support the provision of gates and fixed means of enclosure, especially where other less invasive measures have been identified which would improve the safety and security of the St David's Square development. The proposal is therefore contrary to policy 7.3 of the London Plan 2011, saved policy DEV1 of the Unitary Development Plan 1998, policies DEV3 and DEV4 of the Interim Planning Guidance 2007 and policy SP09 of the Core Strategy 2010.*
- *The proposal would restrict full public access resulting in an unacceptable form of development that would fail to retain a permeable environment, by reason of the loss of an existing north-south pedestrian route to the strategically designated Thames Path walkway. As such the proposal is contrary to DEV1, DEV48, DEV65 and DEV66 of the UDP 1998, SO20 and SP09 of the Core Strategy 2010, DEV2, DEV3 and DEV16 of the IPG 2007 and policies 7.1, 7.2, 7.5, 7.27 and 7.29 of the London Plan July 2011 which state that developments should promote high quality design, be*

accessible and permeable for all uses.

- *The proposed gates and fixed means of enclosure by virtue of their height and scale would appear visually intrusive and result in an inappropriate form of development that would create a 'gated' community and would therefore fail to achieve an inclusive environment and create an unacceptable level of segregation. As such the proposal is contrary to policies DEV1 of the UDP 1998, SP09 of the Core Strategy 2010, DEV2 and DEV3 of the IPG 2007 and 7.1 and 7.4 of the London Plan July 2011 which state that developments should be convenient and welcoming with no disabling barriers so everyone can use them independently without undue effort, separation or special treatment.*

3. RECOMMENDATION

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

4. PROPOSAL AND LOCATION DETAILS

Proposal

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

Site and Surroundings

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

Planning History

- 4.7 Planning application PA/10/2786 was presented to the Development committee on 6th April 2011 with a recommendation for refusal. A copy of the Committee Report and the Committee Update Report is attached at **Appendix A** for completeness and also for information.
- 4.8 At the 6th April 2011 Development Committee Members deferred the decision on this application in order to seek further information on the following matters:
- the levels of anti-social behaviour at St David's Square and comparable levels with the remainder of the Isle of Dogs and the Borough;
 - the availability of alternate routes to Thames Walkway and Westferry Road and any likely access restrictions; and
 - It was also recommended that a meeting of Millwall Crime Team, the local Police and residents should be arranged to discuss problems of anti-social behaviour affecting St David's Square.
- 4.9 Following the meeting of the Development Committee, the Councils Crime Prevention Officer prepared a report relating to the site. This is appended to this committee report as **Appendix B**. In addition, a report setting out crime statistics, as requested by members was also prepared by the Crime Prevention Officer and is attached at **Appendix C**.
- 4.10 The applicants provided the following additional information following on from the committee meeting:
- Letter from Consort Property Management dated 15th April 2010
 - Site Permeability
 - Public Access to the River Walkway
 - Intrusion, Anti-social behaviour and Damage-Sample Log
 - Annotated Photographs of the Application site (x8 pages)
 - Attempts by the Residents Association and the Management Company to reduce the Crime and Intrusion incidents
- The above information is included at **Appendix D**.
- 4.11 Following the submission of additional information, an on-site meeting was arranged at St David's Square which was attended by the Crime Prevention Officer, the Planning agent, members of the residents association at St David's Square, a member of staff from the concierge desk at St David's Square and planning officers. The meeting principally focused on assessing the option put forward by the Crime Prevention Officer which involved interventions at the site without providing gates. Minutes of the meeting (which have been agreed by all parties) are attached at **Appendix E**.
- 4.12 Following the issuing of minutes, and as suggested at the on-site meeting, Officers recommended that the applicants provide feedback, either through revisions to the scheme or comments as to why they are not accepting the recommendations put forward by the Crime Prevention Officer. A formal response letter was received by the Local Planning Authority advising that no changes were proposed, this note is attached at **Appendix F**.
- 4.13 As this application is now being presented afresh to a new planning committee, a new committee report has been prepared and the above issues and additional documentation is assessed within the main body of this report for consideration by members.
- 4.14 There are a number of historic planning permissions relating to this site however the London Docklands Development Corporation applications of the 1990s are the most relevant.

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

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

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

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

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

4.19 PA/07/1657 – Erection of four gates to the residential development at St David’s Square to Westferry Road, Ferry Street and the riverside walkway facing the Thames River. This application was withdrawn by the applicant on 26/10/2007 as the application was due to be refused for the creation of a gated community at the site.

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

5. POLICY FRAMEWORK

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

5.2 Core Strategy 2010

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

5.3 Unitary Development Plan 1998 (as saved September 2007)

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

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

Proposals: Isle of Dogs Area Action Plan

Policies:

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

5.5 Supplementary Planning Guidance/Documents

Riverside Walkways
Designing Out Crime Parts 1 and 2

5.6 Spatial Development Strategy for Greater London (London Plan) July 2011

Polices

7.1	Building London's Neighbourhoods and Communities
7.2	An inclusive environment
7.3	Designing out Crime
7.4	Local Character
7.5	Public Realm
7.27	Blue Ribbon Network: supporting Infrastructure and Recreational Use
7.29	River Thames

5.7 Government Planning Policy Guidance/Statements

PPS1 Delivering Sustainable Development
PPS5 Planning and the Historic Environment
PPG13 Transport
Draft National Planning Policy Framework July 2011

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

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

6. CONSULTATION RESPONSE

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

LBTH Highways

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

- There is no established public right of way across the site;
- Installation of the four gates will restrict the permeability of the development and create a gated community;
- Restriction through the use of gates would create a single pedestrian route through a car park which is not easy to navigate due to poor legibility;
- The car park route does not provide a safe or direct or convenient route;
- No objections are raised with regard to the impact of vehicles queuing as a result of the gates proposed on the Westferry Road vehicular

entrance.

- Highways Officers do not consider that the appeal site at Lockes Field which is referred to by the applicants can be used as a comparable example as the Lockes Field site does not have a requirement to provide a public right of way, unlike St David's Square which provides an unrestricted pedestrian link from Westferry Road to the Thames Path Walkway. The Lockes Field site was historically gated at the northern end of the site preventing a pedestrian north-south link through the site.

Environment Health (Contaminated Land)

- 6.3 The site and surrounding area have been subjected to former industrial uses. It is therefore proposed to impose a suitable condition upon any decision notice issued should any contamination be encountered.

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

LBTH Crime Prevention Officer

- 6.4 Comments from April 6th Planning committee:

The local Safer Neighbourhood Police Team Sergeant, has advised that very few problems have been brought to their attention on the site and that at a recent ward panel meeting no specific issues relating to crime or anti-social behaviour were raised

He considers that there is insufficient criminal activity to warrant gating the whole estate such that it becomes a gated development. Having looked purely at vehicle crimes, he considers that these are quite low in comparison to other areas, and any need to restrict vehicle access to the development can be adequately covered by bollards that rise out of the ground.

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

Further comments received:

A report has been prepared with options to improve security through non-gating measures at St David's Square estate. An analysis of the applicants proposals has also been undertaken by the Crime Prevention Officer (Appendix B).

The reports states that the proposed height of the gates within the application are not considered to be sufficient to address the concerns of anti-social behaviour and has suggested that the height of these gates needs to be increased to 2metres.

(Officer Comment: The applicants are not willing to pursue this recommendation (to increase the height of the proposed gates and walls) and therefore the applicants purpose of installing gates to deter access into the site is considered to be compromised.)

LBTH Aboricultural Officer

- 6.5 No comments received

Transport for London

- 6.6 No comments received

Chapel House Tenants Association

- 6.7 No comments received
Burrells Wharf Tenants Association
- 6.8 No comments received

7. LOCAL REPRESENTATION

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

7.2 No. of individual responses: 12 Against: 4 In Support: 8
Number of pro-forma responses: 167

Total in support : 175
Total in objection: 4

7.3 Comments of Objections:

- Application will create a gated community/prison like environment

7.4 Comments in Support (Individual responses)

- Need to increase security at St David's Square;
- Precedents set on the Isle of Dogs including Langbourne Place adjoining the site;
- Anti-social behaviour in the area;
- Intrusions at the development leading to acts of threatening and anti-social behaviour, theft, vandalism and dangerous behaviour at the developments water feature;
- Thefts and vandalism in the car park;
- Use of car park by non-residents;
- Use of water feature as a bathing pool;
- Gating will reduce anti-social behaviour and intrusions;
- Majority of people use the Ferry Street access therefore the provision of gates will not hinder public access along the River Thames.

7.5 Comments of Objection (Pro-forma Responses)

- Proposal is unnecessary and will encourage inquisitive youths to gain entry into the site by erecting gates and associated perimeter walls.

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

8. MATERIAL PLANNING CONSIDERATIONS

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

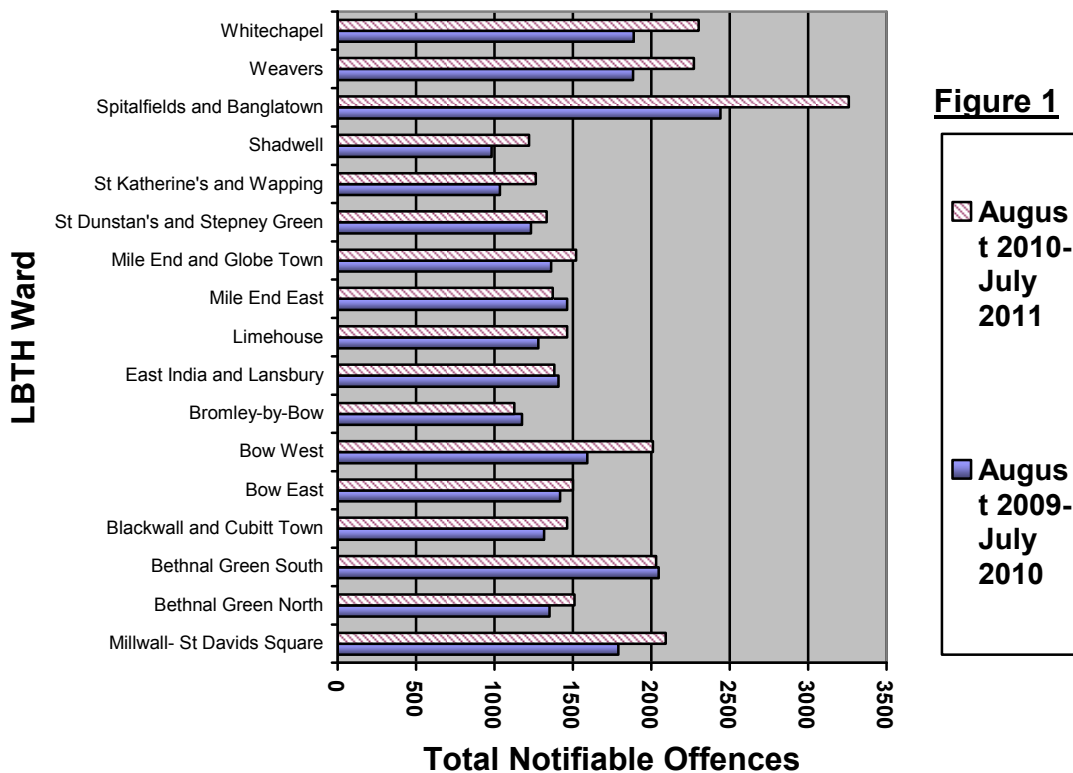
1. Crime
2. Accessibility/Permeability
3. Design
4. Amenity
5. Transportation

8.2 The application proposes no change of use at the site and therefore raises no land use

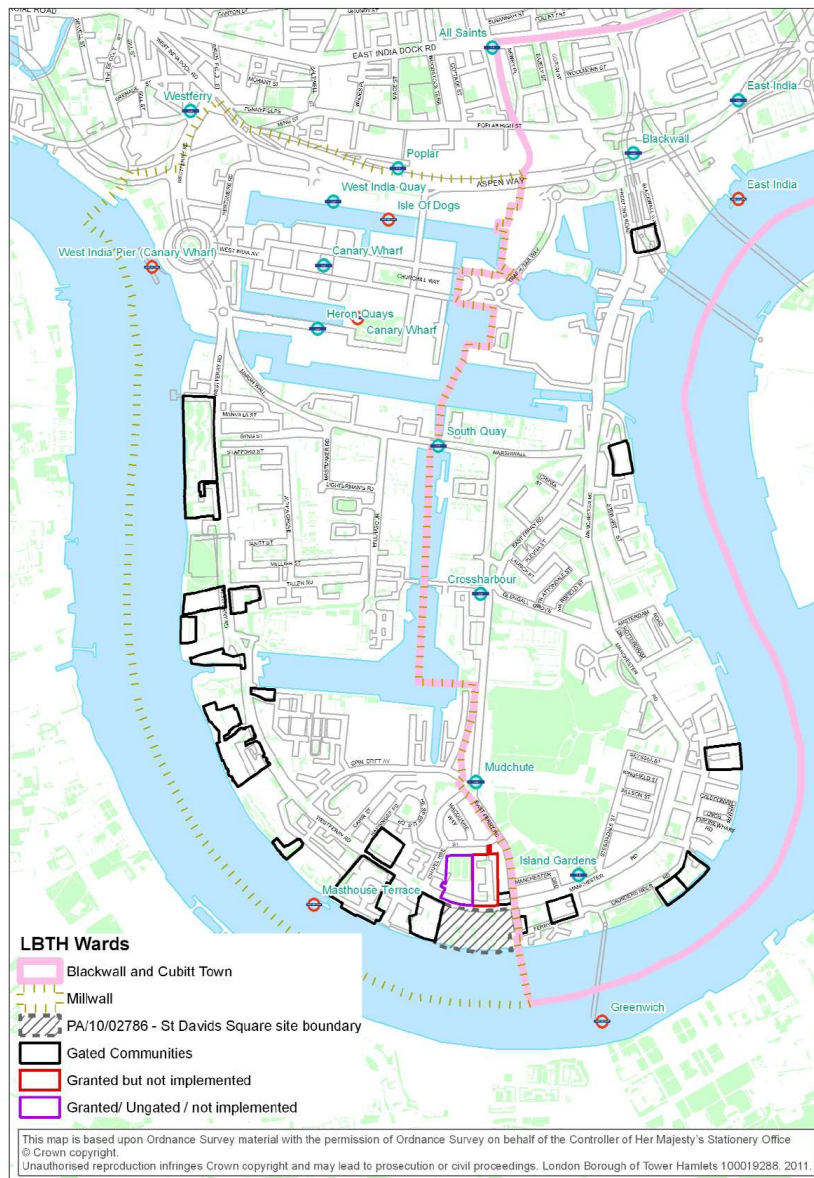
implications.

Crime

- 8.3 The planning application proposes a number of gates and walls around the St David's Square site to restrict access into the site by non-residents. At present access to the St David's Square site is unrestricted. The application has been submitted to seek to address concerns raised by residents that the unrestricted access is the cause for anti-social behaviour and incidents of crime at the application site. Full details of the levels of crime are detailed below.
- 8.4 Policy 7.3 of the Adopted London Plan 2011 seeks to create safe, secure and appropriately accessible environments where crime and disorder and the fear of crime do not undermine quality of life or cohesion. The policy goes on to highlight that developments should reduce opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.
- 8.5 Saved policy DEV1 of the Unitary Development Plan 1998 also requires development proposals to be designed to maximise the feeling of safety and security for those using the development.
- 8.6 Policy DEV3 of the Interim Planning Guidance 2007 seeks to ensure accessibility and inclusive design is a part of all development proposals, in particular it states that 'gated' communities will not be supported and the supporting text advocates that use of wayfinding, legibility and signage to encourage movement and pedestrian links.
- 8.7 Policy DEV4 of the Interim Planning Guidance 2007 seeks to provide guidance on creating environments that feel safe to use and contribute to the quality of life and economic prosperity of an area.
- 8.8 Policy SP09 (2c) of the adopted Core Strategy 2010 states that gated communities will not be supported. The supporting text for policy SP09 highlights evidence from the Urban Design Compendium 2 dated 2007 which states that a high quality urban environment and layout can help deliver social benefits, including civic pride, increased connectivity, social cohesion, reduced fears of crime and improved health and well being. The supporting text goes on to state that a poor quality public realm can have severe negative effects on communities.
- 8.9 The principle of providing walls and railings to create a gated community is not supported by the London Plan 2011 or Tower Hamlets planning policies. The Crime Prevention Officer advises that in exceptional circumstances the Council should consider making an exception to the policy position. In order to look at the exceptional circumstances, an analysis of the levels of crime experienced at the application site has been undertaken in conjunction with the Crime Prevention Officer looking at non-gating options for the application site.
- 8.10 In order to provide a truly comparative profile of crime levels, details of crime have been investigated within individual wards of the LB Tower Hamlets as well as that recorded on the St David's Estate. All information below is taken from the Metropolitan Police (website) and is therefore a summary of all 'notifiable' crimes. The Metropolitan Police website defines a notifiable offence as is an 'incident where the police judge that a crime has occurred. Not all incidents that are reported to the police result in a crime'.
- 8.11 The chart below at Figure 1 shows the total notifiable crime within all of the wards of Tower Hamlets. All information is taken from the Metropolitan Police website.



- 8.12 The St David's Square estate is located within the Millwall ward, however the site is very close to the boundary of the adjoining ward of Blackwall and Cubitt Town which lies to the east of the site. Figure 1 above shows that the Millwall ward is not an area which currently experiences the worst incidents of crime within the LB Tower Hamlets. The Spitalfields and Banglatown, Whitechapel and Weavers wards currently experience the worst incidents of crime. The Millwall, Bethnal Green South and Bow West wards experience relatively similar levels of crime of approximately 2000 incidents over the 2010-2011 period.
- 8.13 Figure 1 also indicates that crime levels in Millwall are higher than the adjoining Blackwall and Cubitt Town ward despite the fact that a majority of gated communities are located in the former as can be seen in Map 1 below. Therefore there is an argument to suggest that gating a development does not have the perceived benefits of actually reducing crime levels.



Map 1

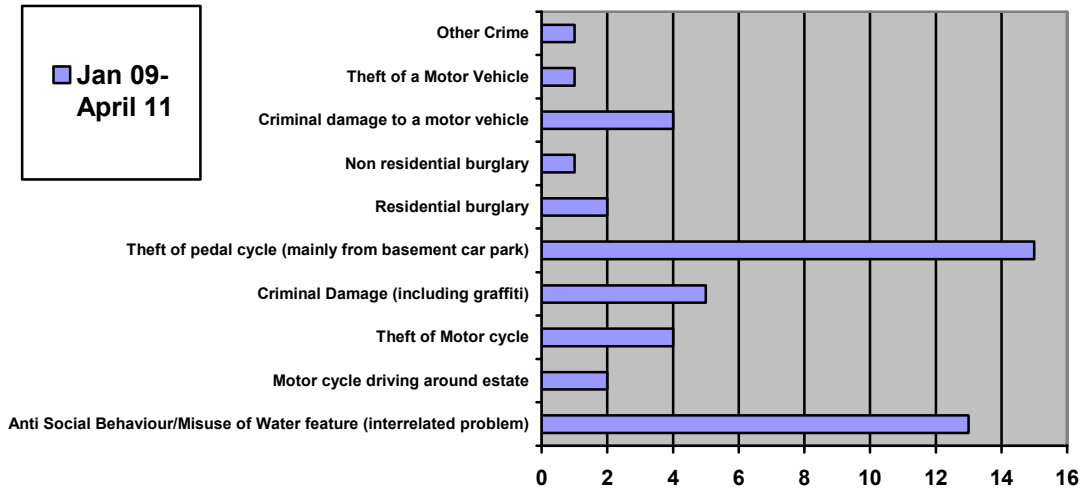
8.14 The Councils Crime Prevention Officer was also able to provide a breakdown of notifiable crime from the St David's Square estate from 2007 to April 2011. The information is provided below in Figure 2 with a breakdown of the types of crime identified.

Figure 2

Type of Crime	2007	2008	2009	2010	Up to April 2011
Theft of Vehicle	1	2	1	0	0
Criminal Damage	0	0	0	0	1
Theft from Vehicle	0	1	0	0	0
Criminal Damage to vehicles	0	0	0	2	1
Assault	4	3	3	6	1
Thefts	2	2	2	2	0
Residential Burglaries	2	0	4	0	0
Theft of Pedal Cycle	0	2	1	4	0
Non Residential Burglary/Theft of pedal cycle)	4	4	9	13	0
Other Crimes	3	1	3	2	0
Total	16	16	23	29	3

8.15 The St David's Square development concierge office also keep a log of all incidents experienced at the site. A copy of the log book from January 2009 to April 2011 was submitted to the Council and the details of this log book have been analysed and displayed in below at Figure 3. A copy of the log book submitted is attached at Appendix B.

Figure 3



8.16 From the log book provided by the applicants, it is possible to establish that 22 incidents were logged at St David's Square between January 2009 and December 2009, a total of 18 incidents were logged from January 2010 to December 2010 and 8 incident have been logged between January 2011 and 4 April 2011. Comparable figures are available from the Crime Prevention Officer of total notifiable crimes and these are not substantially different to the log book records, Figure 4 shows this information.

Figure 4	2009	2010
Metropolitan Police Information (Total Notifiable Offences)	23	29
St David's Square Log Book Details	22	18

8.17 It should be noted that some of the incidents/crimes which are within the St David's Square log book were also notified to the police and therefore the total crime experienced at St David's Square should not be taken as the sum of the information provided in Figure 4. The concierge office Sample Log book (Appendix D) does state in a number of instances that the residents contacted the police regarding certain incidents which occurred on the site.

8.18 The Councils Crime Prevention Officer provided further advice (attached at Appendix C) to Planning Officers with regard to the interpretation of the crime statistics gathered for the Millwall ward and the St David's Square site. This concludes that following an analysis of the levels of crime in St David's Square, overall, the levels of crime have decreased at the site (if analysing a financial year period), showing that there has been a fall of some 55% from financial years 2009-2010 compared with 2010-2011.

8.19 Despite the decrease, crime in the area was considered to be higher than expected for a site of this size when compared to the overall size of the Millwall ward. However, having taken this into account, the Crime Prevention Officer considered the crime to be localised and that levels of crime were not significant when compared to the borough as a whole.

- 8.20 An analysis of the charts showing Metropolitan Police crime statistics for the St David's Square site and the sample log book show that a majority of the crime centres around the theft of pedal cycles and the mis-use/anti social behaviour related to the water feature at the application site.
- 8.21 In response to the overall limited levels of crime at the St David's Square application site, the Crime Prevention Officer prepared a report (Appendix B) setting out what he considered to be two opportunities to address the concerns raised by the applicants at the site. The first and preferred option was the use of other 'Secure by Design' measures including improved signage and legibility, the use of planter boxes, provision of secure cycle storage on site, the installation of rising bollards. The second option, to be used only in exceptional circumstances was the use of gates as per the current application.
- 8.22 The applicants have considered all of the non-gating options suggested for the four locations around the application site, however have taken the decision not to accept the recommendations of the Crime Prevention Officer at any of the proposed locations. A summary of the non-gating options are set out below along with a summary of the applicants response (Full response provided at Appendix F):
- Ferry Street Access
- 8.23 The Crime Prevention Officer suggested that this entrance could benefit from improved signage guiding people to the Thames Walk and the use of raised planters and a low level anti bike railing in the proposed location of the wall and gates.
- 8.24 The applicants have stated that this does not stop non-residents from entering the St David's Square estate. It was considered that this becomes a problem when non-residents then find they are unable to exit the estate and climb over the 'lookout' railings located abutting the Thames Walkway. A further concern was raised with regard to the need to have a sign with multiple languages on it to serve to serve the London tourism in the area.
- 8.25 It is considered that adequate signage, which is very poor at the moment, would substantially assist in guiding people along the designated Thames Path walkway and away from the St David's Square site. Officers do not support the applicants second point with regard to the various languages which would be required for any sign installed, as any sign installed would simply be required to say 'Thames Path' and provide an arrow in the correct direction.
- Thames Walkway Access
- 8.26 The Crime Prevention Officer suggested that a motorcycle/moped restriction should be implemented across this access point, however the applicant has stated that this measure would not deter thefts, anti-social behaviour or members of the public entering the application site.
- 8.27 It is considered that sufficient restrictive barriers will deter members of the public from entering the site and if this was aided by additional signage directing residents east west along the Thames Path, this is again likely to deter entry into the site.
- Westferry Road Access
- 8.28 The Crime Prevention Officer suggested rising bollards in the current location of the proposed railings and the provision of faster closing gates to prevent the theft of pedal cycles from the basement car park. During an on-site meeting it was also observed that the bike stands provided to residents were upright cycle stands which made the theft of pedal cycles easier as only one wheel could be secured. The applicants were advised to provide sufficient and secure cycle storage which would lessen the overriding the problem of pedal thefts at the site.

- 8.29 The applicants have advised that the St David's Square site cannot accommodate this provision of cycle storage at basement level or surface level as they are unable to release private car parking bays which have been purchased by individual owners, or any of the 23 visitor parking bays which the applicant has advised have a high occupancy rate and represent an integral part of the estate essential for the day to day running. The applicant also considers that there is insufficient space at ground level to provide cycle storage without leading to a loss in landscaping areas and amenity space.
- 8.30 The rising bollards were also considered to be inappropriate as they did not deter motorcycles, cyclists and pedestrians from entering the application site.
- 8.31 Given the size of the application site, it is considered unreasonable that the applicants have not sought to investigate further the provision of secure cycle storage, especially as it is a recurring crime at the application site. The applicant has identified that in order to accommodate the secure cycle parking, 24 car parking spaces would need to be lost or an equivalent area of 114sq.m of soft landscaping. Officers consider that there is a solution which can be found where some spaces are provided on car parking bays and some cycle parking is provided on existing areas of soft landscaping. This would therefore limit the overall impact on loss of car parking and landscaping at the site.

The Central Water Feature

- 8.32 The Water feature was identified as a concern by the applicants log book. During the on-site meeting it was suggested that boundary screening could be applied to the exterior wall in a glazing finish to prevent the misuse of the feature, whilst retaining it. It is understood that residents who own properties overlooking this feature object to its removal as they paid a premium to overlook the feature.
- 8.33 The applicants advised that the installation of a boundary treatment was not considered to be appropriate as it presented a further target to climb over/throw objects at. In addition, the maintenance staff currently have unrestricted access to the water feature which would be impeded by a boundary treatment.
- 8.34 Whilst Officers accept the applicants concerns raised on this issue, it is considered that there are other options (such as introducing an uneven surface to the top of the retaining wall) which could deter people from accessing the water feature which is understood to be the key concern to date, whilst not compromising its maintenance.
- 8.35 It is considered that only in exceptional circumstances should the development plan policies be departed from and the creation of a gated community be permitted. Such exceptional circumstances could be where there were particularly high levels of crime within an area and where all other measures have been exhausted to provide/implement security measures which are not overbearing or intimidating. The applicants state that they have implemented a number of measures to seek to reduce the incidents occurring at St David's Square, these are detailed at Appendix D. However, the applicants are not now willing to implement any of the measures proposed by the Crime Prevention Officers report.
- 8.36 Officers consider that the level of incidents of crime at the application site do not warrant the provision of gates and fixed means of enclosure, especially where other less invasive measures have been identified to improve the safety and security of the St David's Square development. The proposal is therefore contrary to policy 7.3 of the London Plan 2011, saved policy DEV1 of the Unitary Development Plan 1998, policies DEV3 and DEV4 of the Interim Planning Guidance 2007 and policy SP09 of the Core Strategy 2010.

Accessibility/Permeability

- 8.37 Currently the site is not gated and there is unrestricted access through the development providing a north-south link from the Thames Walkway to Westferry Road.
- 8.38 The existing Thames Path walkway runs along the southern boundary of the site and leads to the car park located in the south eastern corner of the St David's Square development. The Thames Path runs through the car park and follows the path east adjacent to the Grade II listed public house on East Ferry Road which provides access onto East Ferry Road itself.
- 8.39 Whilst this is the adopted Thames Path strategic walkway, the route is not one which is easy to navigate due to its limited legibility, this is highlighted within the Crime Prevention Officers report attached at Appendix B. The route leads pedestrians into a car park/pedestrian path which runs along the ground floor restaurant at the site, although this route and its legibility is not considered to be direct, convenient or a safe route (in the evenings). The provision of the alternative north-south route through the St David's Square development provides an alternative route linking Westferry Road and the Thames Path.
- 8.40 The map below shows all existing unrestricted pedestrian links from the Thames Path walkway to Westferry Road located around the application site. Travelling west along the Thames Path, the next available pedestrian route from the Thames Path leading north to Westferry Road is 296 metres to the west of the St David's square access, located at Pointers Close. If the existing St David's square access point were to be gated off as a restricted access point, the distance between the east ferry access point of the Thames path and the Pointers Close access would be increased to 358 metres.



- 8.41 At present, pedestrians choosing to access Westferry Road through the St Davids Square development from the existing St David Square access point only walk 160 metres through the unrestricted development to Westferry Road and to reach the bus stop located on the northern side of Westferry Road, located directly opposite the application site. Were this route to be gated as per the application proposals, pedestrians would be required to travel

210 metres to reach Westferry Road and 272 metres to reach the same bus stop mentioned above. This is considered to be an unnecessary increase in the distance travelled.

- 8.42 National guidance in PPS1 and PPG13 places great emphasis on the importance of encouraging walking through the provision of permeable pedestrian networks which would be lost through these proposals.
- 8.43 Policy DEV65 of the UDP 1998 states that existing walkways will be protected from development which would prevent free public access and or harm their character.
- 8.44 Policy DEV3 of the Interim Planning Guidance (IPG) 2007 states that developments resulting in the creation of 'gated' communities with no public through linkages, will not be supported to avoid segregation and ensure permeability of the public street and footpath network. This is further supported by Policy DEV16 of the IPG which seeks to maintain and enhance the strategic walkways within the borough.
- 8.45 Strategic policies within the Core Strategy 2010, policy SO20 seek to deliver a safe, attractive, accessible and well designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle. This is supported by policy SP09 of the Core Strategy 2010 which specifically states that developments that create gated communities which restrict pedestrian movement will be resisted.
- 8.46 The provision of gates would substantially reduce the permeability through the site which is contrary to policy DEV2 and DEV3 of the IPG 2007 and SP09 of the Core Strategy 2010 which seek to improve the connectivity with the surrounding area, particularly to public transport and commercial uses. The link between the Thames Walk and Westferry Road through St David's Square provides the general public with a direct route through to the bus stop located outside the St David's Square development, located outside the existing pedestrian gate.
- 8.47 The Councils Supplementary Planning Guidance 'Designing Out Crime' identifies that gated communities will result in decreased security as the development turns its back on the surrounding area and becomes enclosed.
- 8.48 Furthermore, the proposals fail to comply with London Plan policy 7.1 which states that developments should promote inclusion and cohesion, be accessible, usable and permeable for all users and be attractive to look at and Policy 7.2 also states that developments should be convenient and welcoming with no disabling barriers, so everyone can use them independently without undue effort, separation or special treatment.
- 8.49 There are some existing examples of 'gated' developments on the Isle of Dogs which are either historic developments, for example consents issued by the LDDC, or appeals which have been allowed following the refusal of planning permission. Whilst Officers are unable to comment on each and every case on the Isle of Dogs, it is important to note that many of these sites differ to the St David's Square development as many of the examples are enclosed parcels of land which provide no access to other public thoroughfares or routes through, whereas the north-south pedestrian route would be lost at St David's Square would lead to the loss of a direct connection to the designated strategic Thames Path Walkway.
- 8.50 Furthermore, each application must be assessed on a case by case and site specific basis and consequently, it is not considered that other examples of gates in the area should support a departure from the Councils policy to resist gated communities. In addition, it is important to note that there are numerous examples of non-gated communities in the Isle of Dogs and it is considered that a precedent of approving additional ones would be

divisive.

- 8.51 The applicant has made reference to an appeal from 2009 at Lockesfield Place, located adjacent to the application site. However, in the instance of the appeal site, the Planning Inspector considered that because the access into the Lockes Field development did not lead to or maintain and enhance the permeability of the site, its loss would not be disadvantageous to members of the public, given there was no through route.
- 8.52 The Crime Prevention Officer has looked at the scheme and has advised that he does not support the installation of gates as there are other methods to improve security and address issues raised by residents. Furthermore he has identified that gates should be a last resort and given the level of crime, the creation of a gated community at the site is not justified.
- 8.53 Overall, the proposal would restrict full public access resulting in an unacceptable form of development that would fail to achieve an inclusive and permeable environment, create an unacceptable level of segregation and lead to the loss of an existing north-south pedestrian route to the strategically designated Thames Path walkway. As such the proposal is contrary to DEV1, DEV48, DEV65 and DEV66 of the UDP 1998, SO20 and SP09 of the Core Strategy 2010, DEV2, DEV3 and DEV16 of the IPG 2007 and policies 7.1 and 7.2 of the London Plan 2011 which state that developments should promote high quality design, be accessible and permeable for all uses.

Design

- 8.54 The proposed vehicular gate along Westferry Road comprises of a part brick wall and part metal railing along the existing vehicular entrance. The existing vehicular entrance is in excess of 5 metres in width allowing access for two vehicles to pass. The existing entrance is flanked by two stock brick pillars which provide a feature for the vehicular entrance.
- 8.55 The gates have been set into the site and have a maximum height of 1.6metres and would run along the full width of the existing vehicular entrance. The proposed gates and retaining walls, by virtue of the proposed detailed design and use of materials are considered to be acceptable as they would be finished in a similar detailed design to the existing boundary walls which exist at the application site at present. However, it is considered that cumulative impact of the provision of gates at this height and due to their imposing nature, in an area which is otherwise open and unrestricted would appear visually dominant and further diminish the permeability of this site within its surrounding urban environment contrary to DEV1 of the UDP 1998 and DEV2 of the IPG 2007 and SP10 of the Core Strategy 2010.

Amenity

- 8.56 The proposed development is not considered to give rise to any daylight and sunlight or overlooking concerns, by virtue of the works proposed. The proposal is therefore considered acceptable in respect of the amenity of adjacent residential occupiers and future residential occupiers of the site which is in line with saved policy DEV2 of the adopted Unitary Development Plan (1998) policy SP10 of the Councils Core Strategy 2010 and DEV1 of the Interim Planning Guidance (2007). These policies seek to protect the residential amenity of existing and future occupiers

Transportation

- 8.57 The site has a Public Transport Accessibility Level (PTAL) of 2/3. The site is close to bus routes numbers D7, 135 and D3. The nearest bus stop is located directly outside the development, in front of the existing pedestrian access gate into the site. This provides

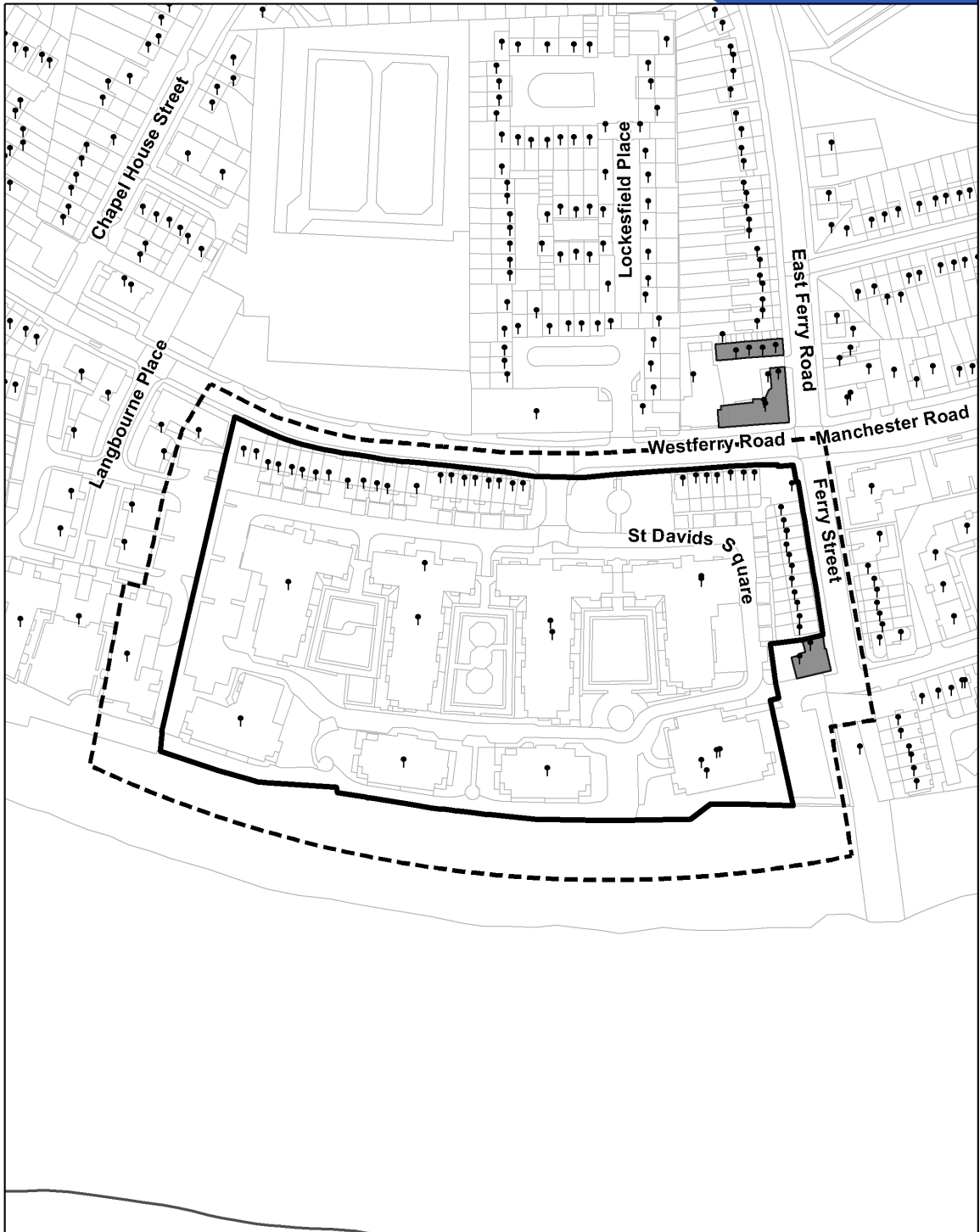
direct pedestrian access down through the site to the Thames Walkway. The closest stations to the site are located at Island Gardens and Mudchute.

- 8.58 The application is supported by a Transport Assessment prepared by Paul Mew Associates. This report details the impact of the proposed gates on Westferry Road and the results indicate that the provision of gates would not result in a build up of vehicles onto Westferry Road leading to an impact on the local road network. Whilst this is encouraging and in accordance with policies for the provision safe transport interventions, the principle of the works are not considered in accordance with strategic policies outlined in the recently adopted Core Strategy 2010, policy SO20 which seeks to deliver safe, attractive, accessible and well designed network of streets and spaces that make it easy for people to move around by foot and bicycle, furthermore the proposal is in direct conflict with policy SP09 which does not support gated communities.
- 8.59 Whilst not seeking to re-iterate the comments raised above, the highways team have also objected to the proposal as it would retain a single undesirable pedestrian route, that being the car park within the south eastern corner of the site. This current route is considered to be unsafe, illegible and inconvenient.
- 8.60 There are no existing rights of way across the application site, and whilst this is capable of being treated as a material planning consideration, the lack of existing rights of way should not, in this particular case, outweigh the general policy presumption against the formation of gated communities and the desire to maintain permeability and inclusive residential communities.

9.0 Conclusions

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

Planning Application Site Map



Planning Application Site Boundary

Locally Listed Buildings

Land Parcel Address

Consultation Area

Statutory Listed Buildings



1:2,000

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

1. APPLICATION DETAILS

Location: St David's Square, Westferry Road, E14
Existing Use: Residential
Proposal: Erection of entrance gates to Westferry Road, Ferry Street and Thames Walkway together with associated walls to perimeter estate.

Drawing No's: E101-00A, E02-02, E02-01, P02-01, P02-04, P02-03, E02-04, E02-03, P02-02 and E01-01.

Supporting documentation:

Planning Report prepared by T.J.Edens

Applicant: Consort Property Management
Owner: Freehold Managers PLC
Historic Building: None within site, however site adjoins the Ferry House Pub which is Grade II listed.
Conservation Area: South eastern corner of the site only- Island Gardens conservation area

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

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

- The proposal would restrict full public access resulting in an unacceptable form of development that would fail to achieve an inclusive and permeable environment, create an unacceptable level of segregation and lead to the loss of an existing north-south pedestrian route to the strategically designated Thames Path walkway. As such the proposal is contrary to DEV1, DEV48, DEV65 and DEV66 of the UDP 1998, SO20 and SP09 of the Core Strategy 2010, DEV2, DEV3 and DEV16 of the IPG 2007 and policies 4B.1 and 4C.11 of the London Plan 2008 (consolidated with alteration since 2004) which state that developments should promote high quality design, be accessible and permeable for all uses.
- The proposed gates and fixed means of enclosure by virtue of their appearance and scale would appear visually intrusive and result in an inappropriate form of development that would create a 'gated' community and would therefore fail to contribute to the permeability of the urban environment. As such the proposal is contrary to policies DEV1 of the UDP 1998, SP09 of the Core Strategy 2010, DEV2 and DEV3 of the IPG 2007 and 4B.5 of the London Plan 2008 (consolidated with alterations since 2004) which state that developments should be convenient and

welcoming with no disabling barriers so everyone can use them independently without undue effort, separation or special treatment.

3. RECOMMENDATION

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

4. PROPOSAL AND LOCATION DETAILS

Proposal

4.1

- The application proposes the erection of entrance gates and fencing to the existing St David's Square development which would provide a gated development.

4.2 The proposal comprises:

- changing the existing pedestrian entrance gate at Westferry Road into a restricted (fob) operated gate which provides access to residents only (no change to design of gate);
- a new gates measuring 1.6metres in height at the main vehicular access at Westferry Road (with electronic opening for residents only);
- a new brick wall measuring 1metre and two metal gates measuring 1.5metres along the River Walkway frontage, one gate will provide restricted (fob) operated access for residents. The second gate is stated to be for emergency vehicular access only;

A new brick wall measuring 1.4metres and a metal pedestrian gate with restricted (fob) operated access and a metal gate for emergency vehicular access only measuring 1.5metres providing access to residents only.

4.3 At present the development provides public access through the site from the Riverside Walkway to Westferry Road.

Site and Surroundings

4.4 The application site is located to the south of the Westferry Road with the River Thames and the Thames Walkway forming the sites southern boundary.

4.5 The St Davids Square development is a large site covering 2.73 hectares and is roughly rectangular in shape. The site comprises of 8 main development blocks with some perimeter housing fronting Westferry Road.

4.6 The site is accessed from Westferry Road where there is an existing unrestricted vehicular entrance and an unlocked pedestrian access. There is an existing and unrestricted pedestrian access off East Ferry Road. This entrance does provide vehicular access, however this leads into the car park of the restaurant located within the development. The other main entrance into the site is along the Thames Walkway. This access provides a pedestrian route through the development to Westferry Road.

4.7 The site has a Public Transport Accessibility Level (PTAL) of 2/3. The closest stations to the site are located at Island Gardens and Mudchute. The site is close to bus routes numbers D7, 135 and D3.

4.8 The site falls within the Strategic Riverside Walkway which runs along the south of the site and along part of the eastern boundary.

Planning History

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

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

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

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

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

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

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

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

5. POLICY FRAMEWORK

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

5.2 Core Strategy 2010

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

5.3 Unitary Development Plan 1998 (as saved September 2007)

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

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

Proposals: Isle of Dogs Area Action Plan

Policies:

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

5.5 Supplementary Planning Guidance/Documents

Riverside Walkways
Designing Out Crime Parts 1 and 2

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

Polices

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

5.7 Government Planning Policy Guidance/Statements

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

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

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

6. CONSULTATION RESPONSE

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

LBTH Highways

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

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

Environment Health (Contaminated Land)

- 6.3 The site and surrounding area have been subjected to former industrial uses. It is therefore proposed to impose a suitable condition upon any decision notice issued should any contamination be encountered.

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

LBTH Crime Prevention Officer

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

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

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

LBTH Aboricultural Officer

- 6.5 No comments received

Transport for London

- 6.6 No comments received

Chapel House Tenants Association

- 6.7 No comments received

Burrells Wharf Tenants Association

- 6.8 No comments received

7. LOCAL REPRESENTATION

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

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

Total in support : 138
Total in objection: 2

- 7.3 Comments of Objections:

- Application will create a gated community/prison like environment

- 7.4 Comments in Support (Individual responses)

- Need to increase security at St David's Square;
- Precedents set on the Isle of Dogs;
- Anti-social behaviour in the area;

- Intrusions at the development leading to acts of threatening and anti-social behaviour, theft, vandalism and dangerous behaviour at the developments water feature;
- Thefts and vandalism in the car park;
- Use of car park by non-residents;
- Use of water feature as a bathing pool.

7.5 Comments in Support (Pro-forma Responses)

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

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

8. MATERIAL PLANNING CONSIDERATIONS

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

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

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

Accessibility/Permeability

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

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

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

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

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

8.8 Policy DEV65 of the UDP 1998 states that existing walkways will be protected from

development which would prevent free public access and or harm their character.

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

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

Design

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

Amenity

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

parking within the St David's Square development, it is important to highlight that there are alternative solutions rather than the provision of high barrier gates along the Westferry Road which would accord with Council policy, such as rising bollards preventing vehicle access for non-residents but allowing access for cyclists and pedestrians. These alternative measures are supported by the Crime Prevention Officer.

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

Transportation

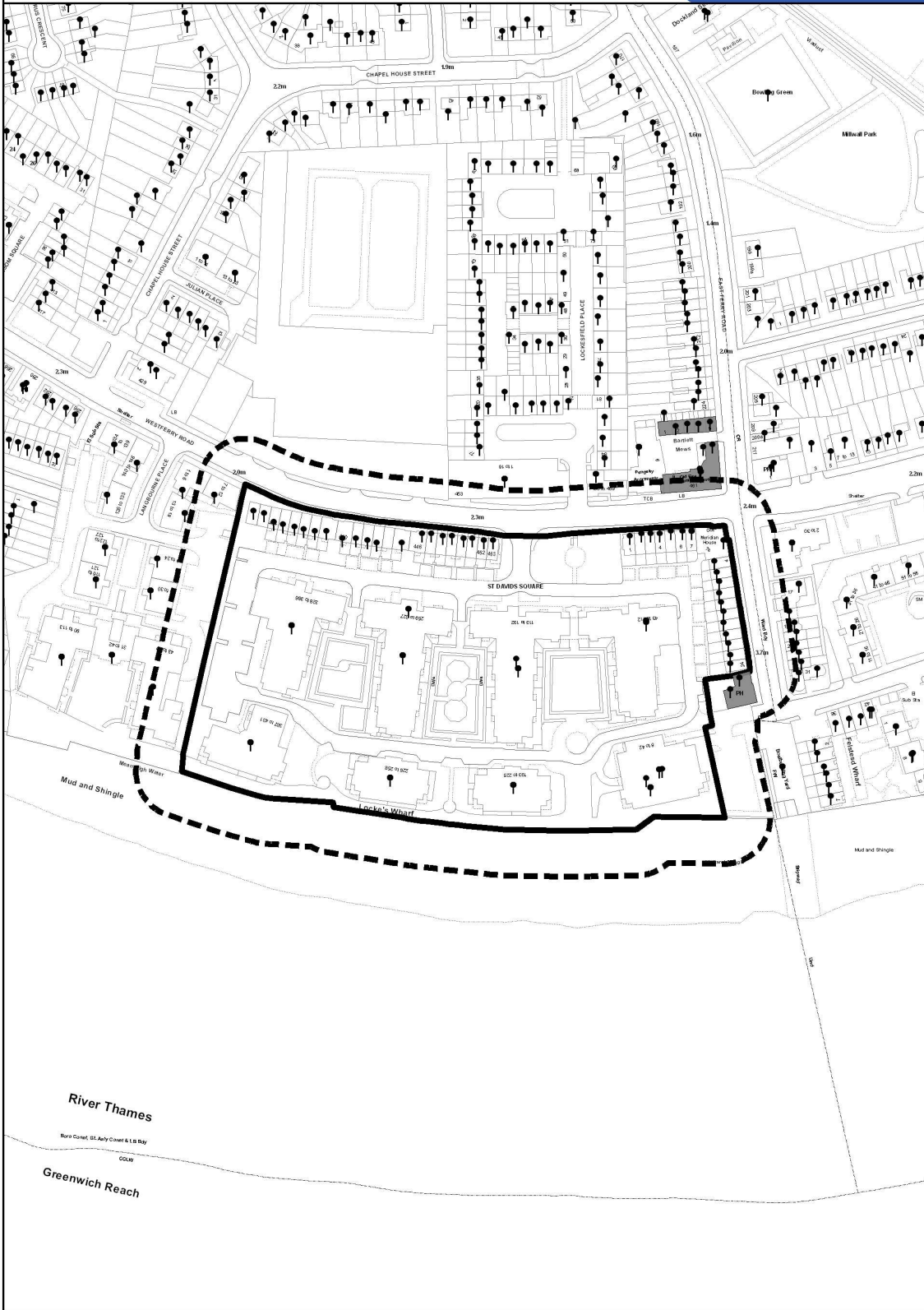
- 8.26 The site has a Public Transport Accessibility Level (PTAL) of 2/3. The site is close to bus routes numbers D7, 135 and D3. The nearest bus stop is located directly outside the development, in front of the existing pedestrian access gate into the site. This provides direct pedestrian access down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





9.0 Conclusions

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

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Planning Application Site Map



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

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

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Agenda Item 7

Committee: Development	Date: 19 th October 2011		Agenda Item No: 7
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. FURTHER INFORMATION

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

3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the Development Plan and other material policy documents. The Development Plan is:
 - the adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
 - the London Plan 2011
 - 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 and the draft National Planning Policy Statement.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the

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

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

Tick if copy supplied for register:

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

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

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 Whilst the adopted UDP 1998 (as saved) is the statutory Development Plan for the borough (along with the Core Strategy and 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 and Core Strategy but also the emerging Local Development Framework documents and their more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 In accordance with Article 31 of the Development Management Procedure Order 2010, 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: 19 th October 2011	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal Case Officer: Nasser Farooq		Title: Planning Application for Decision Ref No: PA/11/01717 Ward(s): East India and Lansbury	

1. APPLICATION DETAILS

Location: 249/251 East India Dock Road

Existing Use: Grace International Church (Use Class D1)

Proposal: Variation of conditions 2 (no audible noise), 4 (no more than 50 people) and 5 (hours of operation) of planning permission PA/07/165 dated 02/05/07 which allowed the continued use of premises as a place of worship.

The proposed variations are:

Condition 2 - Any speech, sound or music generated shall not be audible within neighbouring residential premises

Condition 4 - To increase the number of visitors to no more than 250. (Condition 4 currently imposes a limit of 50 people)

Condition 5 - To extend the hours of operation from the current approved hours of 9am and 10pm Monday to Saturday, and between 11am and 10pm on Sundays.
to the following hours:

Mondays to Thursday : 10am to 11pm
Fridays : 10am to 12am (midnight)
Saturdays: 10am to 11pm and;
Sundays 11am to 11pm.

Drawing Nos: EAS_P_101 and EAS_P_102

Supporting Documents: Design and Access Statement dated June 2011.
Transport Assessment June 2011
Travel Plan Framework June 2011
Acoustic Design Report dated 31 May 2011

Applicant: Mr Calton Morgan

Owner: Nabiganj Investment Co Ltd

Historic Building: N/A

Conservation Area: The rear of the site adjoins the St Frideswides 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 Plan (2011), the Council's Core Strategy (2010), the London Borough of Tower Hamlets Unitary Development Plan (1998), the Council's Interim Planning Guidance (2007), associated supplementary planning guidance and Government Planning Policy Guidance and has found that:
- 2.2 The proposed variation of conditions 2, 4, and 5 to enable an extension of the hours of operations and the increase in number of visitors from 50 to 250 is likely to result in an increase in late-night noise, disturbance and general activity in the locality, which would have a detrimental impact on the amenity of nearby residential occupiers contrary to policy SP10 of the Adopted Core Strategy 2010, the objectives of saved policies DEV2 and DEV 50 of the adopted Tower Hamlets Unitary Development Plan 1998, together with policy DEV1 of the Interim Planning Guidance (2007), which seek to preserve residential amenity.
- 2.3 The increase in number of visitors from 50 to 250 is likely to have an adverse impact on the public highway in terms of parking. As such the proposal fails to accord with policy SP09 of the Core Strategy 2010, saved policies T16 in the UDP 1998 and policy DEV19 in the Interim Planning Guidance (October 2007) which seek to ensure developments reduce the need for motor vehicles. This is supported by policies 6.11-6.13 of the London Plan (2011) which requires Councils to assess all development proposals in terms of their traffic generation and impact on traffic congestion.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **refuse** planning permission for the reasons set out in the summary of material planning considerations.

4. PROPOSAL AND LOCATION DETAILS

Relevant Planning History

- 4.1 The site has an extensive planning history. The following is the most relevant planning applications that relate to the use of the site as a place of worship.
- 4.2 On 30th January 2001, the Change of use from a car showroom to a place of worship was granted (Planning reference PA/00/01785), subject to the following conditions:

1. The use hereby permitted shall be retained for a limited period only until 31 January 2004 on or before which date the use shall be discontinued unless a further planning permission has been granted by the Local Planning Authority.

Reason: There is insufficient evidence available at this stage to assess the impact of the development and permission for a limited period will allow the local planning authority to reassess the development in the light of experience of the use.

2. *There shall be no speech, sound or music whether amplified or not generated within the building so as to be audible from outside the premises.*

Reason: To safeguard the amenities of the area.

3. *A sound proofing scheme designed to ensure compliance with Condition 2 shall be submitted to the Local Planning Authority within one month of the date of this permission. The approved scheme shall be implemented within one month of its approval in writing by the Local Planning Authority and thereafter shall be maintained for the duration of the use.*

Reason: To safeguard the amenities of neighbouring premises.

4. *No more than 50 people shall attend the premises at any one time.*

Reason: To avoid disturbance within the surrounding area and minimise parking pressures.

5. *The use hereby permitted shall only be carried out between the hours of 7.30 pm to 10.00 pm on Mondays, between 9.00 am to 10.00 pm on Tuesdays and Fridays, between 9.00 am and 5.00 pm on Wednesday and Thursdays, between 11.00 am and 10.00 pm on Sundays and not at all on Saturdays.*

Reason: To safeguard the amenity of the adjoining premises and the area generally.

4.3 On 30th March 2004, an application for the continued use of the premises for a place of worship (Planning reference PA/04/00097) was granted for a limited period only until 27 March 2007. Conditions 2, 3, 4 and 5 of PA/00/01785 were also reproduced on this consent. Given the details of condition 3 where never submitted this condition was modified requiring further sound insulation measures as necessary.

4.4 On 2nd May 2007, an application for the permanent use of the premises for a place of worship (PA/07/00165) was granted. The remaining conditions 2, 3, 4 and 5 were again reproduced on the decision notice.

In May 2008, the Planning Enforcement team received complaints regarding the non-compliance of conditions 2, 3 and 4 attached to the 2007 planning permission. This was investigated under enforcement reference ENF/08/00096 and a Breach of Condition Notice was served on the 9th January 2009 addressing conditions 2, 4 and 5.

4.5 As a result of this enforcement investigation, the applicant submitted an application to vary condition 4 to increase maximum number of people attending premises from 50 to 250 and condition 5 to vary hours of use on Fridays and Saturdays to 9 am until 11.30 pm was refused under planning reference PA/09/00161. The application was refused on 24th March 2009, for the following reasons:

1. *The extension of the hours of operations and the increase in number of visitors from 50 to 250 is likely to result in an increase in*

late-night noise, disturbance and general activity in the locality, which would have a detrimental impact on the amenity of nearby residential occupiers contrary to the objectives of saved policies DEV2 and DEV 50 of the adopted Tower Hamlets Unitary Development Plan 1998, together with policy DEV1 of the Interim Planning Guidance (2007), which seek to preserve residential amenity.

2. *The increase in number of visitors from 50 to 250 is likely to have an adverse impact on the public highway. No information has been submitted to show the measures undertaken to minimise traffic and parking of the development. As such the proposal does not show conformity to saved policies T16 in the UDP 1998 and policy DEV19 in the Interim Planning Guidance (October 2007) which seeks to ensure developments reduce the need for motor vehicles. This is supported by 3C.17 which requires Councils to assess all development proposals in terms of their traffic generation and impact on traffic congestion.*

- 4.6 Further noise related complaints were received by Planning Enforcement in early 2010, advising that the noise arising from the activities within the premises continued into the late evening. A site visit on the 19th April 2010 after 10pm witnessed that the use of the premises was in breach of condition 2 with noise audible from outside the property and from within the adjoining residential dwelling. In addition, officer's witnessed that there was more than 50 people within the premises. Prosecution was considered, however in May 2010, the church vacated the premises following proposed redevelopment of the premises. In the absence of any further breaches, the enforcement investigation was closed.
- 4.7 The Church has now recently returned back to the premises following refurbishment of the building, resulting in late evening noise related complaints again being received by the Council from neighbouring residents.
- 4.8 The applicant is seeking to amend the conditions attached to the 2007 planning permission as outlined in the following section of the report.

Proposal

- 4.9 The applicant is seeking to vary conditions 2, 4 and 5 of PA/07/00165 to enable the following variations:

Condition 2 - Any speech, sound or music generated shall not be audible within neighbouring residential premises

Condition 4 - To increase the number of visitors to no more than 250. (Condition 4 currently imposes a limit of 50 people)

Condition 5 - To extend the hours of operation from the current approved hours of 9am and 10pm Monday to Saturday, and between 11am and 10pm on Sundays. to the following hours:

Mondays to Thursday : 10am to 11pm
Fridays : 10am to 12am (midnight)
Saturdays: 10am to 11pm and;
Sundays 11am to 11pm.

Site and Surroundings

- 4.10 The application site is located within a parade of shops on the north side of East India Dock Road close to the junction with Cotton Street to the south and the Blackwall Tunnel northern approach and A12 to the east.
- 4.11 The application site also has dual frontage on Follet Street. Follet Street and the surrounding area to the north are almost exclusively residential in nature.
- 4.12 The surrounding area includes a mosque, some retail/convenience stores and restaurant/cafes all on the same side of the street.
- 4.13 The premises are single storey in height with a mezzanine level.
- 4.14 The eastern properties of Follet Street are included within the St Frideswides Conservation Area.
- 4.15 The application site is known as 'Grace Ministries'. According to their website, they provide a programme of weekly services including: Family Worship, Sunday School, Evening Worship, Prayer Meetings, Bible Studies, Youth Groups, Healing and Deliverance.

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:

The London Plan Spatial Development Strategy for Greater London (July 2011)

- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment

Core Strategy 2025 Development Plan Document (September 2010)

- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP12 Delivering Placemaking

Unitary Development Plan 1998 (as saved September 2007)

- DEV1 Design Requirements
- DEV2 Environmental Requirements
- DEV50 Noise
- T16 Traffic Priorities for New Development

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

- DEV1 Amenity
- DEV2 Character and Design

DEV19 Parking for Motor Vehicles
RT6 Loss of Public Houses

Government Planning Policy Guidance/Statements

PPS 1 Delivering Sustainable Development
Draft National Planning Policy Framework – July 2011

Community Plan – One Tower Hamlets

The following Community Plan objectives relate to the application:

A Great Place To Be
Healthy Communities
Prosperous Communities
Safe and Supportive Communities

6. CONSULTATION RESPONSE

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

LBTH Environmental Health

Noise and Vibration

- 6.2 The Acoustic Design Report by RBA Acoustics dated 31 May 2011, has been reviewed and the contents of the report have not demonstrated that the stated planning conditions can be achieved.
- 6.3 Environmental Health has a history of noise complaints involving noise breakout from speech, sound or amplified music or noise generated from within the building, resulting in the detrimental impact on the amenity of nearby adjoining residential occupiers.
- 6.4 Environmental Health object to the increased use/variation or removal of the previous condition(s).
- 6.5 (*Officer's Comments* - The comments made by the Council's Environmental Health Officer are discussed further in the amenity section of the report).

LBTH Transportation and Highways

- 6.6 Highways do not agree with the approach adopted for the trip generation in the submitted Transport Assessment.
- 6.6 The trip generation assessment has been undertaken using the TRICS database with no reference to the TRAVL database. TRAVL should be used in the first instance and supported where appropriate by sites from the TRICS database.
- 6.7 None of the sites selected from the TRICS database for the place of worship land use are from within inner London and are therefore considered to be inappropriate.
- 6.8 Highways do not agree with the assumption that all access to the site will be via public transport, cycling and walking and there is no justification for such an assumption. D1 uses have the potential to generate a significant number of private car trips and the current Transport Statement does not sufficiently demonstrate the

potential impacts associated with increasing the maximum capacity from 50 people to 250 people.

- 6.9 *(Officers Comments – These comments are noted and are discussed further in the highways section of the report).*

Transport For London (TfL)

- 6.10 TfL are concerned by proposals to increase the number of visitors and the implications of added traffic generation upon the local highway network.
- 6.11 TfL believe it is reasonable to assume that this land use would generate additional car trips. Given the restrictions upon parking placed on the A13 through being a designated “Red Route” and the surrounding streets given the operation of a residents permit scheme, TfL believe there is not an adequate supply of car parking to cope with the likely increase in demand.
- 6.12 While TfL acknowledge the submission of a Travel Plan and the parking survey of local car parks, TfL believe it is unreasonable to assume that car users would park such a distance from the site (Between 1.5km-2km) and complete their journey by an alternative means, making illegal parking surrounding the site likely.
- 6.13 Consequently, TfL are unable to support this application and would recommend a refusal.
- 6.14 *(Officer Comments: These comments are noted and are discussed further in the highways section of the report).*

7. LOCAL REPRESENTATION

- 7.1 A total of 70 neighbouring properties within the surrounding area were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 124 Objecting: 24 Supporting: 100

No of Petitions: 2 1 in objection to the scheme with 122 signatures
1 in support to the scheme with approximately 640 signatures (excluding those who have individually sent letters)

- 7.3 The following issues were raised in representations:

Representation Comments

In opposition to the application:

- The application will result in noise nuisance to local residents both internally by noise from music and singing and also externally by closing of car doors, engines starting and patrons exiting the venue.
- The application will result in traffic congestion and obstructed pavements, causing a hazard.
- Proposed hours are unreasonable as similar venues close at 9pm.

In support of the application:

- The church has made a positive impact on its patrons
- The church is needed within the community to tackle various problems such as fighting gangs and violence, as well as helping people overcome illnesses.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Impact on the Amenity of Adjoining Occupiers and the Surrounding Area
2. Traffic and Servicing Issues

Impact on the Amenity of Adjoining Occupiers and the Surrounding Area

8.2 Policy SP10 of the Core Strategy 2010 (CS), saved policy DEV2 of the Unitary Development Plan 1998 (UDP) and policy DEV1 of the Interim Planning Guidance October 2007 (IPG) seek to protect the amenity of surrounding existing and future residents.

8.3 The proposed variations to conditions 2, 4 and 5 all have amenity considerations in the determination of the application. The following part of the report will therefore outline each condition and the impact of the proposed variations. This will then be followed by a collective assessment of the amenity impacts on adjoining occupiers and the surrounding area.

8.4 Condition 2.

Currently the condition reads as:

There shall be no speech, sound or music whether amplified or not generated within the building so as to be audible from outside the premises.

The applicant is seeking to amend this condition to read:

Any speech, sound or music generated shall not be audible within neighbouring residential premises

8.5 The variation of this condition would enable noise and sound to be generated from the premises, as long as it was not audible within the adjacent residential properties. Thereby allowing noise that could be audible from outside the adjacent properties.

8.6 Condition 4 currently restricts the number of patrons entering the premises to 50. The applicant is seeking to extend this to 250.

8.7 Condition 5 currently restricts the hours of operation of the Church to the following hours:

Monday to Saturday 9am to 10pm.
Sundays 11am to 10pm.

8.8 The applicant is seeking to extend these hours to the following:

Monday to Thursdays 9am to 11pm
Fridays: 10am to 12am (midnight)
Saturdays: 10am to 11pm and;
Sundays 11am to 11pm.

Assessment of the proposed variation of conditions.

- 8.9 In relation to condition 2, council policies are not solely concerned with the amenity of local residents, the considerations also relate to the streetscene and the general environment. Noise from the premises on the streetscene has the potential to detract from the streetscene and create an unpleasant environment for those wishing to travel across the streets (East India Dock Road and Follet Street) and for residents wishing to return to their premises. It addition, it could also affect residents who choose to use their back gardens, balconies or even open there windows, as well as any local commercial premises.
- 8.10 Should planning permission be granted it would allow noise to be heard from outside the premises from a maximum of 250 patrons up until 11pm during Saturday to Thursday and to midnight on Fridays.
- 8.11 In order to mitigate any potential impact the applicant has submitted an acoustic design report prepared by RBA Acoustics. The report outlines that high levels of noise were generated inside the venue and as a result additional sound insulation measures are required to satisfy condition 2 of PA/0700165 which prohibits any noise audible outside the premises.
- 8.12 The report identifies that the roof, rear façade, internal façade, soil vent pipes and shutters as being acoustically weak in terms of noise breakout, and recommends a series of measures to reduce noise disturbance. These include internal acoustic works and a management plan for when patrons leave the premises.
- 8.13 This report has been reviewed by the Councils Environmental Health Noise and Vibration Officer who has advised that they do not consider that the contents of the report to adequately address the noise impacts from the premises. They have also advised that they have a documented history of noise complaints dating from 2000 and 2008-2010 from the premises which they have documented as follows:
- 17/11/2000- Noise complaint from the change of use to a place of worship
 - 30/11/2000- Noise complaint from workers working until 11.20pm
 - 17/12/2000- Loud singing heard next door
 - 16/05/2008- Loud singing heard next door
 - 12/12/2008- Loud music, singing and live bands heard next door
 - 16/04/2010- Loud music heard next door
 - 04/09/2011- Loud music heard next door
- 8.14 This history is similar to the history of complaints investigated by the Councils Planning Enforcement officers as outlined in the relevant planning history above.
- 8.15 The complaints received by these departments outline that the premises on several occasions have operated in breach of the planning conditions by accommodating more than 50 people and operating past 10pm. More importantly these breaches have resulted in adverse impacts on the amenity of local residents.
- 8.16 Along with these complaints, the level of objections received from immediate residents indicates that there is currently a significant amenity impact resulting from the operations of the premises within their existing planning conditions which would only be amplified by the variations they are seeking.
- 8.17 It is considered that these objections are a result of the specific nature of the use, the standard of the building and its constrained location . Consequently, these

impacts cannot be controlled, either by further management plans nor via the imposition of further conditions.

- 8.18 Taking this into account, it is considered with certainty that an application to allow 250 persons to attend the premises up until 11pm everyday and midnight on Friday would have a significantly adverse impact on the amenity of local residents via noise nuisance.
- 8.19 It is therefore considered that the proposed development would fail to accord with policy SP10 of the CS, saved policy DEV2 of the UDP and policy DEV1 of the IPG, in terms of daylight and sunlight.

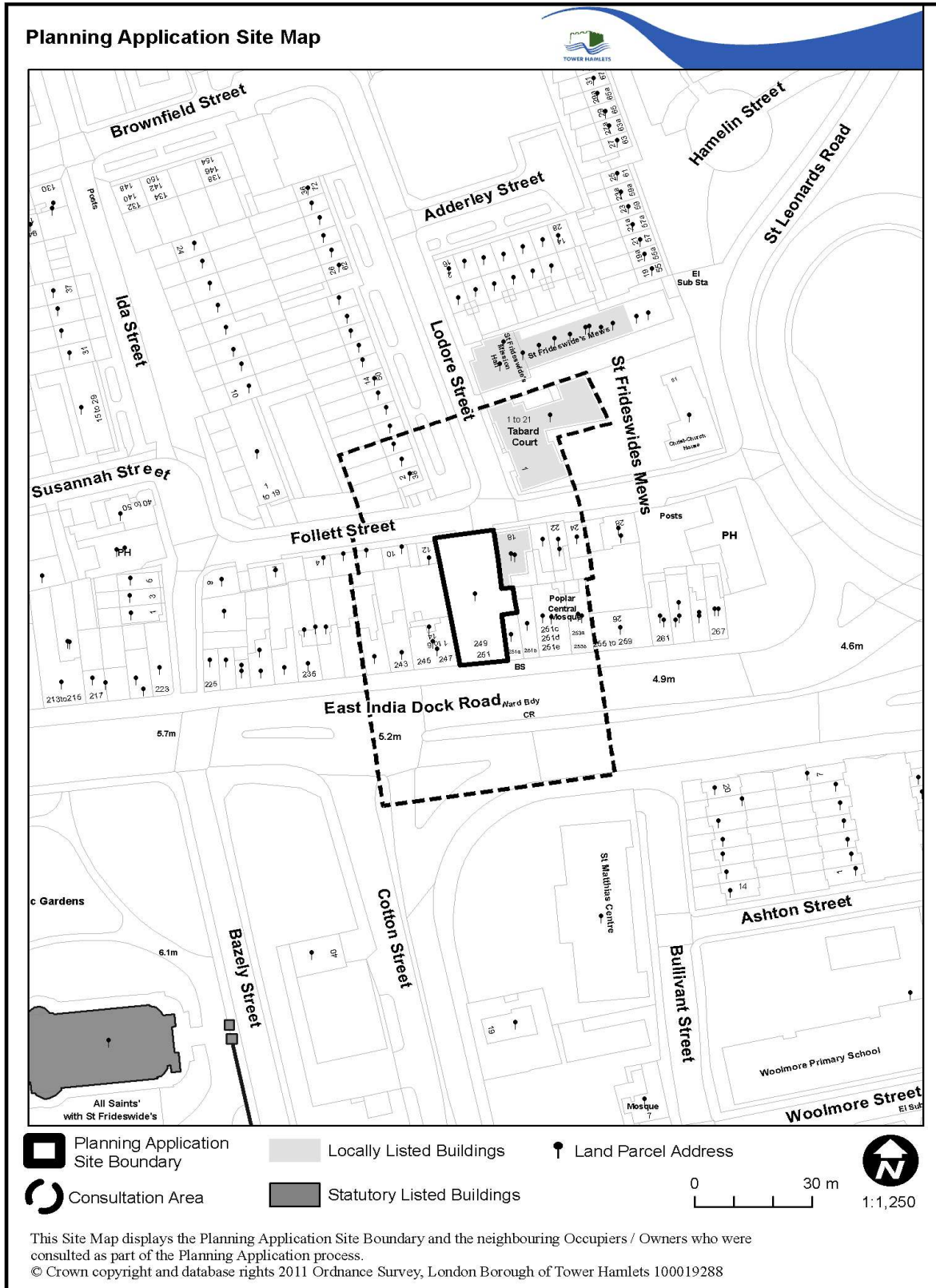
Traffic and Parking Issues

- 8.20 Policies 6.1 and 6.3 of the London Plan, policy SP09 of the CS, policy T16 of the UDP and policy DEV17 of the IPG seek to restrain unnecessary motor-vehicle trip generation, integrate development with transport capacity and promote sustainable transport and the use of public transport systems.
- 8.21 In support of the application, the applicant has submitted a Transport Assessment dated June 2011. This has been reviewed by the Councils Highway Department and Transport for London (TfL), who are the highway arbitrators of East India Dock Road and the surrounding side roads.
- 8.22 Overall, the Councils Highways department do not agree with the approach adopted for the trip generation in the submitted Transport Assessment and the resulting findings of the report.
- 8.23 None of the sites selected from the TRICS database for the place of worship land use are from within inner London and are therefore considered to be inappropriate for comparison in this setting.
- 8.24 In addition to this, TfL believe it is reasonable to assume that this land use would generate additional car trips. Given the restrictions upon parking placed on the A13 being a designated "Red Route" and the surrounding streets being controlled by the operation of a residents permit scheme, TfL believe there is not an adequate supply of car parking to cope with the likely increase in demand. A number of objections to the scheme have also highlighted an existing parking problem within the vicinity as a result of the current operations of the application site.
- 8.25 Officers also consider it is unreasonable to assume as identified by the applicant that car users would park 1.5km-2km from the site and complete their journey by an alternative means, making illegal/ excessive parking around the site very likely.
- 8.26 The increase in number of visitors from 50 to 250 is therefore likely to have an adverse impact on the public highway in terms of parking. As such the proposal fails to accord with policy SP09 of the CS, saved policies T16 in the UDP and policy DEV19 in the IPG which seeks to ensure developments reduce the need for motor vehicles. This is supported by policies 6.11-6.13 of the London Plan (2011) which requires Councils to assess all development proposals in terms of their traffic generation and impact on traffic congestion.

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.



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Agenda Item 7.2

Committee: Development	Date: 19 th October 2011	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Shahara Ali-Hempstead		Ref No: PA/11/001655	
		Ward(s): Millwall	

1. APPLICATION DETAILS

Location:	Carriageway adjacent to 2-108 Telegraph Place, Spindrifft Avenue, E14
Existing Use:	Carriageway
Proposal:	Installation on the carriageway of a Barclays Cycle Hire docking station, containing a maximum of 40 docking points for scheme cycles plus a terminal.
Drawing Nos:	Location plan 05/610621_L Rev. A General Arrangement plan 05-610621-GA Rev B Existing layout 05-610621 EX Rev A Terminal drawing: CHS_2_T Rev. 5 Docking point drawing: CHS-DP-03 Rev. 3 Foundation docking point drawing CHS-CFC01 Foundation terminal drawing CHS-FFC03 Flood Risk Assessment dated 23 rd June 2011
Applicant:	Transport for London
Owners:	London Borough of Tower Hamlets
Historic Building:	N/A
Conservation Area:	N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Core Strategy 2010, London Borough of Tower Hamlets Unitary Development Plan 1998, associated supplementary planning guidance, the London Plan 2011 and Government Planning Policy Guidance and has found that:

1) The proposed cycle docking station would contribute to the provision of a sustainable means of public transportation across the borough and is sited so as to not impede pedestrian flow or cause a highway safety hazard. The loss of on-street parking capacity is acceptable as the proposal will encourage the use of sustainable forms of transport. As such the proposal complies with policy SP08 of the adopted Core Strategy, saved policies DEV17 and T18 of the adopted Unitary Development Plan and policy DEV16 of the Interim Planning Guidance. These policies seek to promote safe and sustainable transport across the borough.

2) The proposal is sensitive to its surroundings in terms of scale, design and use of materials and would not result in excessive visual clutter. The proposal therefore complies with policy SP10 of the adopted Core Strategy and saved policies DEV1 and DEV17 of the adopted Unitary Development Plan.

3) The proposal would not result in any significant harm to the amenity of neighbours in

terms of noise and disturbance and as such complies with policy SP10 of the Core Strategy, saved policy DEV2 of the adopted Unitary Development Plan and policy DEV1 of the Interim Planning Guidance. These policies all seek to protect the amenity of neighbours.

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
2. Development in accordance with approved plans
3. Cycle Station to be removed if it becomes redundant

- 3.4 Any other planning condition(s) considered necessary by the Corporate Director of Development & Renewal.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposes the installation on the carriageway of a Barclays Cycle Hire docking station, containing a maximum of 40 docking points for scheme cycles and a terminal. The docking points are angled so that they do not project so far into the road.
- 4.2 Each docking station comprises a terminal and bicycle docking points.
- 4.3 The terminal controls the locking and release of cycles, enables payment of user tariffs and provides a map of local area. The terminal has a maximum height of 2.4m. The terminal is constructed from cast aluminium. The terminal is blue and grey in colour and has a graffiti resistant coating.
- 4.4 The TfL logo is not illuminated. The screen and way-finding maps are only illuminated on demand.
- 4.5 The docking points measure 0.8m in height. Each docking point is secured to a square foundation box, which is coloured grey to blend with adjacent pavement/carriageway surface. The docking points are constructed in cast aluminium alloy with a powder coated gloss finish.
- 4.6 No advertisements are included on the terminal or on the docking points.

Background

- 4.7 This application is part of the continuation of the London roll out of the Mayor of London's cycle hire scheme. The scheme provides public access to bicycles for short trips and requires a network of docking stations to be located strategically across central London to ensure comprehensive coverage. The scheme allows people to hire a bicycle from a docking station, use it as desired, and return it to either the same docking station or another docking station.
- 4.8 Docking stations are spaced approximately 300 – 500 metres apart within nine London Boroughs and the Royal Parks. When complete the network will provide about 14,400 docking points and 8,000 cycles for hire.
- 4.9 The success of the scheme relies on the appropriate distribution of bicycles across the

network, and the availability of vacant docking points at the end of each hire. In total TfL propose that approximately 150 docking stations will be located within the London Borough Tower Hamlets.

Site and Surroundings

- 4.10 The site is located on the carriageway of Spindriff Avenue adjacent to no. 2 -108 Telegraph Place, between Telegraph Place and Taeping Street. Spindriff Avenue runs west to east linking Westferry Road to East Ferry Road. The area of carriageway affected by the proposal is currently marked out as car-parking bays. The site does not lie within a Conservation Area and does not affect any statutory listed buildings.
- 4.11 The site is located near to London Cycle Network Routes 196. Route 196 forms part of the Barking to Tower Hill Barclays Cycle Superhighway.
- 4.12 The proposed docking station would be located on the north side of Spindriff Avenue. In this location the carriageway is 7 metres in width. There is a bus-stop on the South side of the carriageway – opposite the application site. The pavement adjacent to the site is approximately 2.5m in width. Spindriff Avenue forms part of the London Borough of Tower Hamlets adopted highway.

Planning History

- 4.13 There is no relevant planning history associated to the site.

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 London Plan 2011

Policies: 6.9 Improving Conditions for Cycling

5.3 Adopted Core Strategy (2010)

Policies: SP08 Making Connected Places
SP09 Creating Attractive and Safe Streets and Spaces
SP10 Creating Distinct and Durable Places

5.4 Unitary Development Plan 1998 (as saved September 2007)

Policies: DEV1 Development requirements
DEV2 Environmental Requirements
DEV12 Landscaping and Trees
DEV17 Street Furniture
T16 Transport and Development
T18 Pedestrians

5.5 Interim Planning Guidance for the purposes of Development Control

Policies: DEV1 Amenity
DEV2 Character and Design
DEV13 Landscaping and Tree Preservation
DEV16 Walking and Cycling Routes and Facilities

- 5.6 **Community Plan** The following Community Plan objectives relate to the application:
A better place for living well
A better place for learning, achievement and leisure

6. CONSULTATION RESPONSE

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

The following were consulted regarding the application:-

London Borough of Tower Hamlets - Transportation & Highways

- 6.2 *Highways welcomes the applicant's revised general arrangement plan of the Docking Station, which has placed the docking points and the cycles, parked therein at an angle as suggested in the initial observations. This revision has reduced the projection of the Docking Station into the carriageway by 20cm, so that now there is 2.54cm between its edge and the bus stop on the other side of the carriageway. I welcome this and accept that this will allow a large car (c 2.4) to pass a stationary bus. Highways have no objection to the proposal and support the scheme.*

Highways strongly supports the principle of the DS scheme as a sustainable and attractive mode of transport, as well as the need for regularly-spaced Docking Stations

Officer Comment *(The scheme was amended from the original submission angle the docking points so that they do not project so far into the carriageway. The Applicant also reduced the number of docking points from 57 to 40.)*

7. LOCAL REPRESENTATION

- 7.1 A total of 54 neighbouring properties within the area shown on the map appended to this report were notified about the application.
- 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: 51 Objecting: 50 Supporting: 1
No of petitions received: 1 objecting containing 49 signatories
0 supporting containing 0 signatories

The following issues were raised in objection that are addressed in the next section of this report:

- Hinder the free flow of traffic and cause congestion

(Officer Comment) *As the docking station is to be located within the line of existing car parking, it will not create an increase in congestion. The proposal involves the loss of approximately 10 car parking spaces. This loss is not considered significant as the parking provision is not well used due to the neighbouring residential developments having allocated off-street parking and there being sufficient alternative visitors parking available in the surrounding area.*

The carriageway is approximately 7.0 metres wide. As the docking station will replace existing car parking bays, it will not cause conflict with the bus stop that is located opposite the site. There is sufficient space for vehicles to pass safely.)

- Conflict with Bus stop on Spindrif Avenue

(Officer Comment) *The site is located on the carriageway on Spindrif Avenue. As the docking station will replace existing car parking bays, the existing primary vehicle path*

will be maintained.

- Traffic and road safety issues

(Officer Comment) TfL carried out an independent Stage 1&2 Road Safety Audit for this site in March 2011 and no safety issues were raised. Furthermore, Stage 3 Road Safety Audits are carried out on all docking stations after they become operational to ensure there are no safety implications.

- Other locations such as Mudchute DLR station should be considered.

(Officer Comment) Following discussion with TFL the Council was informed that Mudchute DLR Station has been considered as a suitable site for a docking station. Mudchute DLR is approximately 280 metres from this proposed docking station. The scheme relies on regular spacing of Docking Stations, and this site is required to allow proper distribution of docking stations.

- Too many cycles for narrow street

(Officer Comment) There are some areas where users find it difficult to find a free cycle or free docking point. The expansion of the scheme will alleviate this issue by providing more docking points and more cycles across the existing network. This is considered to be an optimum site within the immediate area for providing a docking station site whilst maintaining clear traffic paths and avoiding areas of pedestrian congestion. The carriageway is approximately 7.0 metres wide. As the docking station will replace the existing car parking, the existing primary vehicle path will be maintained.

Following discussion with TFL, the cycles have been reduced from 57 to 40.

- Cycles will impact on those exiting Telegraph Place

(Officer Comment) The docking station is located at a sufficient distance from Telegraph Place to the west of the site. As the docking points are low in height and the docking station will replace an area that is currently used as car parking, vehicles sightlines will not be impacted from those exiting Telegraph Place.

- Negative impact on residential amenity resulting in increase noise

(Officer Comment) the docking station has been designed to enable quick and quiet use of both the terminal and docking points by users. Members can use their key readers at the docking points, meaning they only need to be at the docking station for a very minimal amount of time. The design of the docking mechanism, coupled with the separation distance between the site and the adjacent residential development, is considered to satisfactorily preserve their residential amenity. The release and re-docking of the cycles is expected to occur without any discernable noise. The proposal will not increase the amount of vehicle noise through braking and acceleration in order to pass the docking station, and as stated above, the site is currently occupied by car parking

- Loss of privacy

(Officer Comment) *The proposal is not considered to cause a loss of privacy to those in the surrounding area. As the docking station will be located on the carriageway as opposed to the footway, it will be located at a sufficient distance from the residential properties to the north of the site. Cycle Hire users are also unlikely to be at the docking station for a prolonged period of time and as stated above, the docking station will replace existing car parking. The adjacent footway measures approximately 2.5 metres in width.*

- Negative impact on pedestrian movement

(Officer Comment) *The docking points will be located on the carriageway as opposed to the footway. The footway measures approximately 2.5 metres in width as such it is considered unlikely that pedestrian movement will be adversely impacted.*

- Security, increase in crime and anti-social behaviour, littering

(Officer Comment) *TfL have confirmed in June 2010 a new Metropolitan Police Service Cycle Task Force funded by TfL was introduced to reduce the risk of theft and criminal damage of bicycles in London. The team works closely with other policing teams to engage with Cycle Hire users, promote security messages, and patrol docking station sites. In addition, the Police are working closely with TfL and Serco (the scheme operator) to promote security and address any theft and vandalism issues relating to the scheme. TfL recognise there can never be any guarantees that cycles will not be stolen or vandalised, however the docking stations are designed to minimise the possible threat of theft or vandalism, and each cycle has many of its mechanical parts encased, reducing the risk of vandalism still further. The scheme has shown a very low level of theft and vandalism compared to the number of trips made on the cycles.*

Anti-social behaviour is known to decrease or be less likely in areas which have an active use, good overlooking and natural surveillance. This location is already overlooked with natural surveillance due to its proximity to residential flats. A docking station at this location will therefore introduce an active use to the space.

The docking station has been designed to mitigate the collection of litter, and section 1.6 of the Planning, Design and Access Statement discusses how the operator maintains each docking station.

- Detrimental impact on surrounding area

(Officer Comment) *As the proposed docking station will consist of docking points located on the carriageway, the function of the space will not fundamentally change. Instead of a carriageway space with parked cars, the site will contain docking points and scheme cycles, which will be of smaller scale and less obtrusive than parked cars. As such, there will be little change in the character of the streetscape. Furthermore, the docking station is of a scale and layout that will not compete with the visual qualities of the surrounding buildings, which are of much greater scale. As such, the docking station will be compatible with the character and appearance of the surrounding area.*

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the committee must consider are the principle of development, highways and amenity:-

Principle of Development

- 8.2 The need to encourage cycling and other forms of transport is recognised in Planning Policy Statement (PPS) 1: Delivering Sustainable Development. London Plan policy 6.9 and LBTH Core Strategy policy SP08 support the extension of the Cycle Hire Scheme.
- 8.3 The proposal would improve the cycle hire scheme by providing extended coverage across the Borough. The docking station contributes to the delivery of a sustainable and low emissions form of transport, and is acceptable in principle.

Transport & Highways

- 8.4 Core Strategy policy SP09, and UDP policies T16 and T18 seek to prioritise the safety and convenience of all highway users, and encourage sustainable forms of transport.
- 8.5 The proposed docking station is located on the carriageway and covers an area measuring approximately 90.0sq metres with a maximum length of 45.0 metres approximately and width of 2.0 metres. The docking station will replace the car-parking bays which are currently marked on the carriageway.
- 8.6 The docking station would provide a total 40 docking points (positioned at a 45 degree angle to save space) and a totem which would be located at the centre of the docking station.
- 8.7 The docking station is located on the carriageway, and does not encroach on the pavement, which will retain its current 2.5m width. As such the proposal would not have any impact on pedestrian movement.
- 8.8 Officers do not consider that the installation of the docking station will have any negative impact on highway safety or vehicle flow along Spindrifft Avenue. It is noted that there is a bus stop on the opposite side of the road from the proposed docking station. Concerns have been raised that if a bus is at the stop, the road would become too narrow for safe use.
- 8.9 Officers consider that in the current situation, it would be possible for cars to park opposite the bus stop which would decrease the effective width of the road. The docking station would have a similar impact. Even if a bus were stopped on the opposite side of the road, there would still be a sufficient gap between the docking station and the bus stop to allow cars to pass (a gap of approximately 2.54m would remain).
- 8.10 Spindrifft Road has a 20mph speed limit, and vehicles, buses and potential docking station users should be able to use the highway without conflict.
- 8.11 The location of the proposed docking station would not significantly add to any street clutter nor would it impede the movement of vehicles or pedestrians. The proposal is therefore acceptable in terms of Core Strategy policy SP10 and UDP policies DEV1 and DEV17.

Amenity

- 8.12 Policy SP10(4) of the adopted Core Strategy (2010), policy DEV2 in the UDP 1998 and Policy DEV1 of the Interim Planning Guidance seek to ensure that development where possible protects and enhances the amenity of existing and future residents.
- 8.13 The docking station will be available for use 24 hours a day, seven days a week. It is anticipated, however, that the main period of use will be during daylight hours.
- 8.14 Releasing and re-docking the bicycles occurs with little discernable noise. Registering at the terminal is a process similar to topping up an Oyster card and has no material noise impact. The proposed docking stations will become a focus of activity, increasing the comings and goings at the site. However, it is not anticipated that cycle scheme users will spend a prolonged period at the docking station and, as such, will not result in any harmful amenity impacts in terms of noise, overlooking or general disturbance.

8.15 There have been concerns about docking stations attracting vandalism or antisocial behaviour. However, the docking stations are not vastly different to other items of street furniture, which provide an overarching public benefit, such as bus stops. The site is in an area that benefits from natural surveillance and amenity impacts are considered acceptable in terms of Core Strategy policy SP10, saved UDP policy DEV2 and IPG policy DEV1.

Design

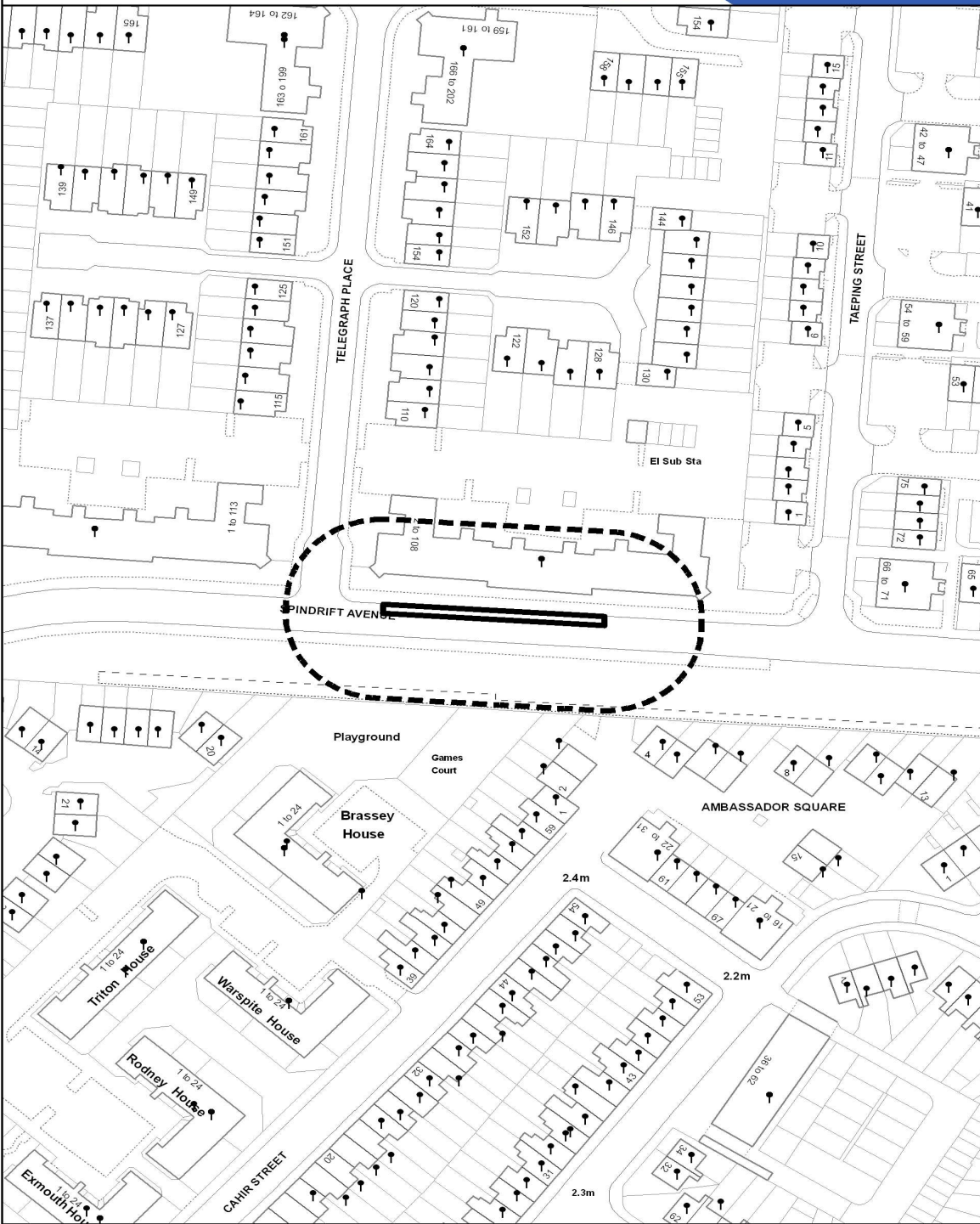
8.16 Core Strategy policy SP10 seeks to ensure the delivery of distinct and durable places. UDP policies DEV1 and DEV17 set design criteria for new development.

8.17 As the cycle hire scheme is rolled out across London the terminals and docking points are becoming more familiar. The design of both is functional, yet simple and understated and is acceptable in terms of Core Strategy policy SP10 and UDP policies DEV1 and DEV17.

9.0 CONCLUSIONS

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

Planning Application Site Map



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

1:1,250

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

Committee: Development	Date: 19 th October 2011	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Nasser Farooq		Ref No: PA/11/01667	
		Ward(s): Blackwall and Cubitt Town	

1. APPLICATION DETAILS

Location: Carriageway adjacent to Jubilee Crescent, Manchester Road, E14

Existing Use: Carriageway

Proposal: Installation on the carriageway of a Barclays Cycle Hire docking station, containing a maximum of 55 docking points for scheme cycles plus a terminal.

Drawing Nos: Location plan 05/610623_L Rev. A
General Arrangement plan 05-610623-GA Rev A.
Existing layout 05-610623-EX Rev. A
Terminal drawing: CHS_2_T Rev. 5
Docking point drawing: CHS-DP-03 Rev. 3
Foundation docking point drawing CHS-FFC01
Foundation terminal drawing CHS-FFC03
Design and Access Statement (including Impact statement)
BS5837:2005 Tree Survey Report
Generic Flood Risk Assessment.

Applicant: Transport for London
Owners: London Borough of Tower Hamlets
Historic Building: N/A
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Core Strategy 2010, London Borough of Tower Hamlets Unitary Development Plan 1998, associated supplementary planning guidance, the London Plan 2011 and Government Planning Policy Guidance and has found that:

1) The proposed cycle docking station would contribute to the provision of a sustainable means of public transportation across the borough and is sited so as to not impede pedestrian flow or cause a highway safety hazard. The loss of on-street parking is acceptable as the proposal would contribute to the delivery of a more sustainable transport network. As such the proposal complies with policy SP08 of the adopted Core Strategy, saved policies DEV17 and T18 of the adopted Unitary Development Plan and policy DEV16 of the Interim Planning Guidance. These policies seek to promote safe and sustainable transport across the borough.

2) The proposal is sensitive to its surroundings in terms of scale, design and use of materials and would not result in excessive visual clutter. The proposal therefore complies with policy SP10 of the adopted Core Strategy and saved policies DEV1 and DEV17 of the adopted Unitary Development Plan.

3) The proposal would not result in any significant harm to the amenity of neighbours in terms of noise and disturbance and as such complies with policy SP10 of the Core Strategy, saved policy DEV2 of the adopted Unitary Development Plan and policy DEV1 of the Interim Planning Guidance. These policies all seek to protect the amenity of neighbours.

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
2. Application in accordance with submitted plans
3. Cycle Station to be removed if it becomes redundant
4. Development carried out in accordance with Tree Survey Report.

3.4 Any other planning condition(s) considered necessary by the Corporate Director of Development & Renewal.

4. PROPOSAL AND LOCATION DETAILS

Proposal

4.1 The application proposes the installation on the carriageway of a Barclays Cycle Hire docking station, containing a maximum of 55 docking points for scheme cycles plus a terminal.

4.2 Each docking station comprises a terminal and bicycle docking points.

4.3 The terminal controls the locking and release of cycles, enables payment of user tariffs and provides a map of local area. The terminal has a maximum height of 2.4m. The terminal is constructed from cast aluminium. The terminal is blue and grey in colour and has a graffiti resistant coating.

4.4 The TfL logo is not illuminated. The screen and way-finding maps are only illuminated on demand.

4.5 The docking points measure 0.8 m in height. Each docking point is secured to a square foundation box, which is coloured grey to blend with adjacent pavement/carriageway surface. The docking points are constructed in cast aluminium alloy with a powder coated gloss finish.

4.6 No advertisements are included on the terminal or on the docking points.

Background

- 4.7 This application is part of the continuation of the London roll out of the Mayor of London's cycle hire scheme. The scheme provides public access to bicycles for short trips and requires a network of docking stations to be located strategically across central London to ensure comprehensive coverage. The scheme allows people to hire a bicycle from a docking station, use it as desired, and return it to either the same docking station or another docking station.
- 4.8 Docking stations are spaced approximately 300 – 500 metres apart within nine London Boroughs and the Royal Parks. When complete the network will provide about 14, 400 docking points and 8,000 cycles for hire.
- 4.9 The success of the scheme relies on the appropriate distribution of bicycles across the network, and the availability of vacant docking points at the end of each hire. It total TfL propose that approximately 150 docking stations will be located within the London Borough Tower Hamlets.

Site and Surroundings

- 4.10 The application site is located on the western carriageway of Manchester Road. The site lies between the entrance and exit to Jubilee Crescent.
- 4.11 The site is located within the eastern part of the Isle of Dogs and within a short distance of Crossharbour Docklands Light Railway station.
- 4.12 Manchester Road is part of the A1206, which travels around the Isle of Dogs. The road leads to and from Canary Wharf and stems from Aspen Way and Blackwall Tunnel to the north.
- 4.13 The site is within Flood Risk Zone 3 and a Flood Protection Area.

Planning History

- 4.14 There is no relevant planning history associated to the site.

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 **London Plan 2011**
Policies: 6.9 Improving Conditions for Cycling
- 5.3 **Adopted Core Strategy (2010)**
Policies: SP08 Making Connected Places
SP09 Creating Attractive and Safe Streets and Spaces
SP10 Creating Distinct and Durable Places
- 5.4 **Unitary Development Plan 1998 (as saved September 2007)**

Policies:	DEV1	Development requirements
	DEV2	Environmental Requirements
	DEV12	Landscaping and Trees
	DEV17	Street Furniture
	T16	Transport and Development
	T18	Pedestrians

5.5 Interim Planning Guidance for the purposes of Development Control

Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV13	Landscaping and Tree Preservation
	DEV16	Walking and Cycling Routes and Facilities

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

- A better place for living well
- A better place for learning, achievement and leisure

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 welcome the introduction & installation of cycle hire docking stations in Tower Hamlets and believe they will promote the use of sustainable modes of transport and ease the pressure on public transport across London.

6.4 The locations of the proposed stations have been carefully identified by officers from Tower Hamlets and Transport for London and we are therefore in support of the scheme across the borough.

London Borough of Tower Hamlets- Arboricultural Officer.

6.5 No objections to the proposal.

Transport for London – Street Management

6.6 TfL fully support this application, as it will help to deliver a London wide growth in cycling.

7. LOCAL REPRESENTATION

7.1 A total of 94 neighbouring properties within the area shown on the map appended to this report were notified about the application. As site notice was also displayed.

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: 1 Objecting: 1 Supporting: 0
No of petitions received: 1 objecting containing 28 signatories
0 supporting containing 0 signatories

7.3 The following issues were raised in objection that are addressed in the next section of this report:

- 7.4
- Not appropriate with the sheltered housing in the area.

***(Officer Comment)**The Docking Station contributes to the delivery of the cycle hire network. The station is not intended solely to serve those who live in the immediate vicinity of the site. Further more the Docking Stations are designed to be accessible to a wide variety of users.*

- Negative impact on residential amenity

***(Officer Comment)**The docking station has been designed to enable quick and quiet use of both the terminal and docking points by users. Members can use their key readers at the docking points, meaning they only need to be at the docking station for a very minimal amount of time. This, coupled with the setback of Hughes Mansions from the street and proposed docking station, will ensure that there is no adverse impact on residential amenity.*

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the committee must consider are the principle of development, highways and amenity:-

Principle of Development

8.2 The need to encourage cycling and other forms of transport is recognised in Planning Policy Statement (PPS) 1: Delivering Sustainable Development. London Plan policy 6.9 and LBTH Core Strategy policy SP08 support the extension of the Cycle Hire Scheme.

8.3 The proposal would improve the cycle hire scheme by providing extended coverage across the Borough. The docking station contributes to the delivery of a sustainable and low emissions form of transport, and is acceptable in principle.

Transport & Highways

8.4 Core Strategy policy SP09, and UDP policies T16 and T18 seek to prioritise the safety and convenience of all highway users, and encourage sustainable forms of transport.

8.5 The docking station would provide a total of 55 docking points. The proposed docking station would occupy a 49 m long section of the carriageway, with a width of 2m.

8.6 This area of carriageway currently provides space for residential permit parking spaces, and would accommodate approximately 10 cars.

8.7 The parking in this area was originally designed to accommodate buses,

during the Jubilee Line extension works. The loss of these parking spaces is not envisaged to have a detrimental impact on on-street car-parking capacity in the area as there is ample parking along Manchester Road.

- 8.8 The proposed docking station is located on the carriageway. There is a 2.3 minimum width of pavement between the back of the docking station and the edge of the footpath; therefore it would not impede pedestrians passing the site.
- 8.9 The location of the proposed docking station would not significantly add to any street clutter nor would it impede the movement of vehicles or pedestrians. The loss of on-street car-parking capacity is acceptable in this location as the proposal would benefit the area by promoting more sustainable forms of transport. The proposal is therefore acceptable in terms of Core Strategy policy SP09, SP10 and UDP policies DEV1 and DEV17.

Amenity

- 8.10 Policy SP10(4) of the adopted Core Strategy (2010), policy DEV2 in the UDP 1998 and Policy DEV1 of the Interim Planning Guidance seek to ensure that development where possible protects and enhances the amenity of existing and future residents.
- 8.11 The docking station will be available for use 24 hours a day, seven days a week. It is anticipated, however, that the main period of use will be during daylight hours.
- 8.12 Releasing and re-docking the bicycles occurs with little discernable noise. Registering at the terminal is a process similar to topping up an Oyster card and has no material noise impact. The proposed docking stations will become a focus of activity, increasing the comings and goings at the site. However, it is not anticipated that cycle scheme users will spend a prolonged period at the docking station and, as such, will not result in any harmful amenity impacts in terms of noise, overlooking or general disturbance.
- 8.13 The docking stations are not vastly different to other items of street furniture, which provide an overarching public benefit, such as bus stops. The site is in an area that benefits from natural surveillance and amenity impacts are considered acceptable in terms of Core Strategy policy SP10, saved UDP policy DEV2 and IPG policy DEV1.

Design

- 8.14 Core Strategy policy SP10 seeks to ensure the delivery of distinct and durable places. UDP policies DEV1 and DEV17 set design criteria for new development.
- 8.15 As the cycle hire scheme is rolled out across London the terminals and docking points are becoming more familiar. The design of both is functional, yet simple and understated and is acceptable in terms of Core Strategy policy SP10 and UDP policies DEV1 and DEV17.

Flood Risk

- 8.16 The application site is located close to the River Thames and is located in

Flood Risk Zones 2/3. The application has been accompanied by a generic flood risk assessment. The proposed use is 'water compatible' and would not in itself be vulnerable to inundations. The scheme would not increase area of hardstanding or increase flood risk elsewhere.

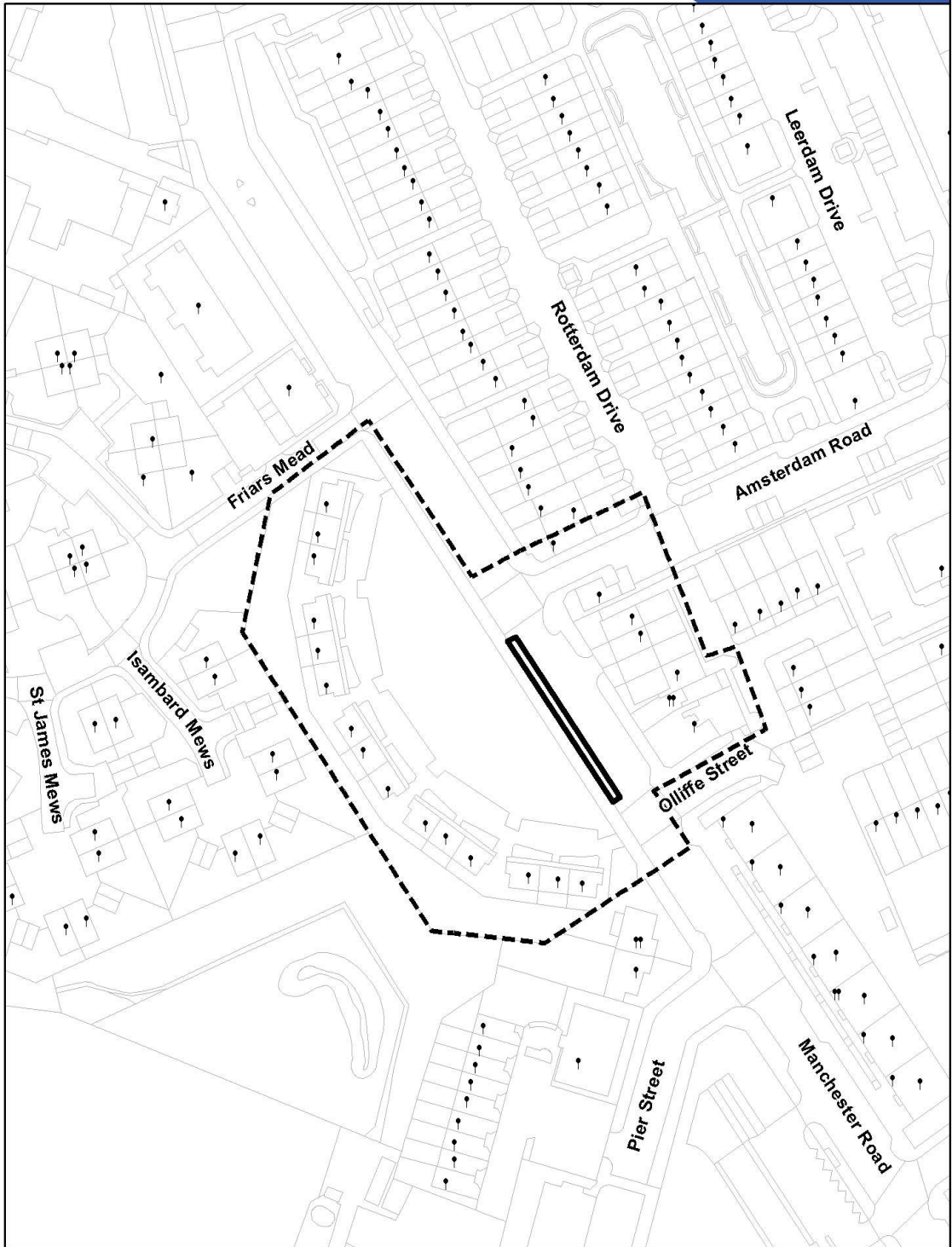
Trees

- 8.17 There are 2 no. trees located on immediate footway facing the site. This application is accompanied by a BS5837:2005 Tree Survey Report, which details how construction works would be undertaken to prevent damage to the nearby London Plan tree. It is recommended that a condition be attached to this permission requiring compliance with the recommended works methodology. This would ensure that the roots of the London Plan tree would be protected during construction.

9.0 CONCLUSIONS

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

Planning Application Site Map



Planning Application Site Boundary

Locally Listed Buildings

Land Parcel Address

Consultation Area

Statutory Listed Buildings



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 7.4

Committee: Development	Date: 19 th October 2011	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Russell Simpson		Ref No: PA/11/01838	
		Ward(s): St Dunstons and Stepney Green	

1. APPLICATION DETAILS

Location:	Carriageway adjacent to 367 -377 Jamaica Street, E1
Existing Use:	Public carriageway
Proposal:	Installation on the carriageway of a Barclays Cycle Hire docking station, containing a maximum of 18 docking points for scheme cycles plus a terminal.
Drawing Nos:	<ul style="list-style-type: none">- Location plan 05-610579 Rev A- General Arrangement plan 05-610579-GA Rev A- Existing layout 05-610579-EX Rev A- Terminal drawing: CHS_2_T Rev 5- Docking point elevation: CHS-DP-03 Rev 3- Terminal Foundation Design CHS-CFC03- Docking Point Foundation Design CHS-CFC01- Design and Access Statement (including Impact statement)- Tree Survey Report BS5837:2005
Applicant:	Transport for London
Owners:	London Borough of Tower Hamlets
Historic Building:	N/A
Conservation Area:	N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Core Strategy 2010, London Borough of Tower Hamlets Unitary Development Plan 1998, associated supplementary planning guidance, the London Plan 2011 and Government Planning Policy Guidance and has found that:

1) The proposed cycle docking station would contribute to the provision of a sustainable means of public transportation across the borough and is sited so as to not impede pedestrian flow or cause a highway safety hazard. It is not considered that the loss of three parking spaces is significant as there is sufficient parking available in the surrounding area. As such the proposal complies with policy SP08 of the adopted Core Strategy, saved policies DEV17 and T18 of the adopted Unitary Development Plan and policy DEV16 of the Interim Planning Guidance. These policies seek to promote safe and sustainable transport across the borough.

2) The proposal is sensitive to its surroundings in terms of scale, design and use of materials and would not result in excessive visual clutter. The proposal therefore complies with policy SP10 of the adopted Core Strategy and saved policies DEV1 and DEV17 of the adopted Unitary Development Plan.

3) The proposal would not result in any significant harm to the amenity of neighbours in terms of noise and disturbance and as such complies with policy SP10 of the Core Strategy, saved policy DEV2 of the adopted Unitary Development Plan and policy DEV1 of the Interim Planning Guidance. These policies all seek to protect the amenity of neighbours.

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
2. Implemented in accordance with the approved plans
3. Cycle Station to be removed if it becomes redundant
4. Compliance with approved Arboriculture Report

3.4 Any other planning condition(s) considered necessary by the Corporate Director of Development & Renewal.

4. PROPOSAL AND LOCATION DETAILS

Proposal

4.1 The application proposes the installation on the carriageway of a Barclays Cycle Hire docking station, containing a maximum of 18 docking points for scheme cycles plus a terminal.

4.2 Each docking station comprises a terminal and bicycle docking points.

4.3 The terminal controls the locking and release of cycles, enables payment of user tariffs and provides a map of local area. The terminal has a maximum height of 2.4m. The terminal is constructed from cast aluminium. The terminal is blue and grey in colour and has a graffiti resistant coating.

4.4 The TfL logo is not illuminated. The screen and way-finding maps are only illuminated on-demand.

4.5 The docking points measure 0.8m in height. Each docking point is secured to a square foundation box, which is coloured grey to blend with adjacent pavement/carriageway surface. The docking points are constructed in cast aluminium alloy with a powder coated gloss finish.

4.6 No advertisements are included on the terminal or on the docking points.

Background

4.7 This application is part of the continuation of the London roll out of the Mayor of London's cycle hire scheme. The scheme provides public access to bicycles for short trips and requires a network of docking stations to be located strategically across central London to ensure comprehensive coverage. The scheme allows people to hire a bicycle from a docking station, use it as desired, and return it to either the same docking station or another docking station.

4.8 Docking stations are spaced approximately 300 – 500 metres apart within nine London

Boroughs and the Royal Parks. When complete the network will provide about 14, 400 docking points and 8,000 cycles for hire.

- 4.9 The success of the scheme relies on the appropriate distribution of bicycles across the network, and the availability of vacant docking points at the end of each hire. In total TfL propose that approximately 150 docking stations will be located within the London Borough Tower Hamlets.

Site and Surroundings

- 4.10 The application site is located on the western side of Jamaica Street, close to the junction with Redman's Road. The site is not located within a conservation area, and although it neighbours the Stepney Green Conservation Area it is not considered to be in the setting of this Conservation Area.
- 4.11 The part of the carriageway on which the docking station would be located currently provides 3 residential parking bays.
- 4.12 The surrounding area is predominantly residential in nature. To the east of the site lies Stepney Gardens, a large area of open space that caters for a range of leisure activities. A short distance further north is Stepney Green London Underground Station. Further west is Royal London Hospital and Whitechapel London Underground and Overground Station.
- 4.13 The site is located on the carriageway adjacent to Nos. 367 to 377 Jamaica Street. The carriageway is wide (approximately 11.4 metres in width) and carries a low volume of vehicular traffic.
- 4.14 The footway adjacent to the site is approximately 6.2 metres wide and carries a low pedestrian footfall. It contains a lamp column, a sign post, a number of trees and three bollards. The back of the footway is abutted by Nos. 367 to 377 Jamaica Street.

Planning History

- 4.15 There is no relevant planning history associated to the site.

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 London Plan 2011

Policies: 6.9 Improving Conditions for Cycling

5.3 Adopted Core Strategy (2010)

Policies: SP08 Making Connected Places
SP09 Creating Attractive and Safe Streets and Spaces
SP10 Creating Distinct and Durable Places

5.4 Unitary Development Plan 1998 (as saved September 2007)

Policies: DEV1 Development requirements
DEV2 Environmental Requirements
DEV12 Landscaping and Trees
DEV17 Street Furniture
T16 Transport and Development
T18 Pedestrians

5.5 Interim Planning Guidance for the purposes of Development Control

Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV13	Landscaping and Tree Preservation
	DEV16	Walking and Cycling Routes and Facilities
	CON2	Conservation Areas

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

- A better place for living well
- A better place for learning, achievement and leisure

6. CONSULTATION RESPONSE

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

The following were consulted regarding the application:

London Borough of Tower Hamlets - Transportation & Highways

6.2 The proposed docking station is on the carriageway of Jamaica Street, close to its junction with Redman's Road. The location close to a junction is not as of significant concern as its requirement to replace three on-street residents parking bays. Highways note from the Council's parking survey that parking occupancy in both streets is very high, particularly at night when parking is controlled and residents are competing for overnight spaces. However, day-time parking in Jamaica Street is considerably less stressed. On the basis of the Parking Stress Survey Highways raise a concern only, rather than an objection. Highways strongly support the principle of the Docking Station scheme as a sustainable and attractive mode of transport, as well as the need for regularly-spaced Docking Stations.

(Officer Comments) It is not considered that the loss is significant as there is sufficient parking available in the surrounding area. In addition the benefits of the docking station and cycling as an alternative and sustainable form of transport are considered to outweigh the loss of car parking in this location.

LBTH Arboricultural Officer

6.3 No objections

7. LOCAL REPRESENTATION

7.1 A total of 29 planning notification letters were sent to nearby properties as detailed on the attached site plan. A site notice was also displayed.

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:	0	Objecting:	0	Supporting:	0
No of petitions received:	1	objecting containing	31	signatories	
		0 supporting containing	0	signatories	

7.3 The following issues were raised in objection to the scheme that are addressed in the next section of this report:

- **Impact of anti-social behaviour including noise, litter, crime and disturbance on local residents**

7.4 **(Officer Comment):** Transport for London have advised that in early June 2010 a new Metropolitan Police Service Cycle Task Force funded by TfL was introduced to reduce the risk of theft and criminal damage of bicycles in London. The team works closely with other policing teams to engage with Cycle Hire users, promote security messages, and patrol docking station sites. In addition, the Police are working closely with TfL and Serco (the scheme operator) to promote security and address any theft, vandalism or anti-social behaviour issues relating to the scheme.

There can never be any guarantees that cycles will not be stolen or vandalised, however as set out in section 2.4 of the Planning, Design and Access Statement, the docking stations are designed to minimise the possible threat of theft or vandalism, and each cycle has many of its mechanical parts encased, reducing the risk of vandalism still further. The terminal and docking points are made from aluminium which is durable and has a graffiti resistant coating. In the unlikely event that the docking station is vandalised, Serco (the contractor operating the scheme) is contractually obliged to resolve the issue as soon as possible. The scheme has shown a very low level of theft and vandalism compared to the number of trips made on the cycles.

Anti-social behaviour is known to decrease or be less likely in areas which have an active use, good overlooking and natural surveillance. It is considered this location is already overlooked with natural surveillance due to its proximity to residential properties and Redman's Primary School to the west of the site, and both TfL and the London Borough of Tower Hamlets have been in consultation with the Metropolitan Police about all proposed sites within the borough. It is considered that a docking station at this location will introduce an active use to the space, and generally improve the area.

- **Reduction in green space**

7.5 **(Officer Comment):** The site is located on the carriageway and will replace car parking bays. It will therefore not result in a reduction in green space.

- **Nuisance**

7.6 **(Officer Comment):** As set out in Sections 1.6 and 5.3 of the Planning, Design and Access Statement, the docking station has been designed to enable quick and quiet use of both the terminal and docking points by users. Members can use their key readers at the docking points, meaning they only need to be at the docking station for a very minimal amount of time. The design of the docking mechanism, coupled with the separation distance between the site and nearby residents, is considered to satisfactorily preserve their residential amenity. The release and re-docking of the cycles is expected to occur without any discernable noise. The scheme network has also been designed to maximise the natural redistribution of cycles.

- **Danger to children**

7.7 **(Officer Comment):** It is recognised that there is a primary school located a short distance west of the site, however, the docking station will be located on the carriageway and will therefore be clear of primary pedestrian paths. TfL carried out an independent Stage 1&2 Road Safety Audit for this site in March 2011 and no safety issues were raised. Furthermore, Stage 3 Road Safety Audits are carried out on all docking stations after they become operational to ensure there are no safety implications. This is considered to be an optimum site within the immediate area for providing a docking station whilst maintaining clear traffic paths and avoiding areas of pedestrian congestion.

- **Unattractive landscape**

7.8 **(Officer Comment):** *The site is not located within a conservation area, nor within the setting of any listed buildings. The docking station is consistent with the scale, mass and detailing of the existing street furniture, thereby providing a sense of visual permeability. This will limit the presence of the docking station and ensure a neutral impact on the surrounding environment. Given the size, scale and location of the docking station, it is considered that it will integrate well with the buildings in the immediate vicinity. As such, the docking station will be compatible with the character and appearance of the local area and nearby conservation area.*

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the Committee must consider are the principle of development, highways and amenity:

Principle of Development

8.2 The need to encourage cycling and other forms of transport is recognised in Planning Policy Statement (PPS) 1: Delivering Sustainable Development. London Plan policy 6.9 and LBTH Core Strategy policy SP08 support the extension of the Cycle Hire Scheme.

8.3 The proposal would improve the cycle hire scheme by providing extended coverage across the Borough. The docking station contributes to the delivery of a sustainable and low emissions form of transport, and is acceptable in principle.

Transport & Highways

8.4 Core Strategy policy SP09, and UDP policies T16 and T18 seek to prioritise the safety and convenience of all highway users, and encourage sustainable forms of transport.

8.5 The docking station would provide a total 18 docking points and a terminal totem which would be located towards the northern end of the station.

8.6 The location of the proposed docking station would not significantly affect the movement of vehicles or pedestrians through the area given that the station would be located on the carriageway, replacing existing parking bays. It is acknowledged that the development involves the loss of 3 parking spaces. However, the benefits of the docking station in terms of the provision of an alternative and sustainable form of transport are considered to outweigh the loss of parking in this location.

8.7 The location of the proposed docking station would not significantly add to any street clutter nor would it impede the movement of vehicles or pedestrians. The proposal is therefore acceptable in terms of London Plan policy 6.9, Core Strategy policy SP10 and DEV16, and UDP policies DEV1 and DEV17.

Amenity

8.8 Policy SP10(4) of the adopted Core Strategy (2010), policy DEV2 in the UDP 1998 and Policy DEV1 of the Interim Planning Guidance seek to ensure that development where possible protects and enhances the amenity of existing and future residents.

8.9 The docking station will be available for use 24 hours a day, seven days a week. It is anticipated, however, that the main period of use will be during daylight hours.

8.10 Releasing and re-docking the bicycles occurs with little discernable noise. Registering at the terminal is a process similar to topping up an Oyster card and has no material noise impact. The proposed docking stations will become a focus of activity, increasing the comings and goings at the site. However, it is not anticipated that cycle scheme users will spend a prolonged period at the docking station and, as such, will not result in any harmful amenity

impacts in terms of noise, overlooking or general disturbance.

- 8.11 There have been concerns about docking stations attracting vandalism or antisocial behaviour. However, the docking stations are not vastly different to other items of street furniture, which provide an overarching public benefit, such as bus stops. The site is in an area that benefits from natural surveillance and amenity impacts are considered acceptable in terms of Core Strategy policy SP10, saved UDP policy DEV2 and IPG policy DEV1.

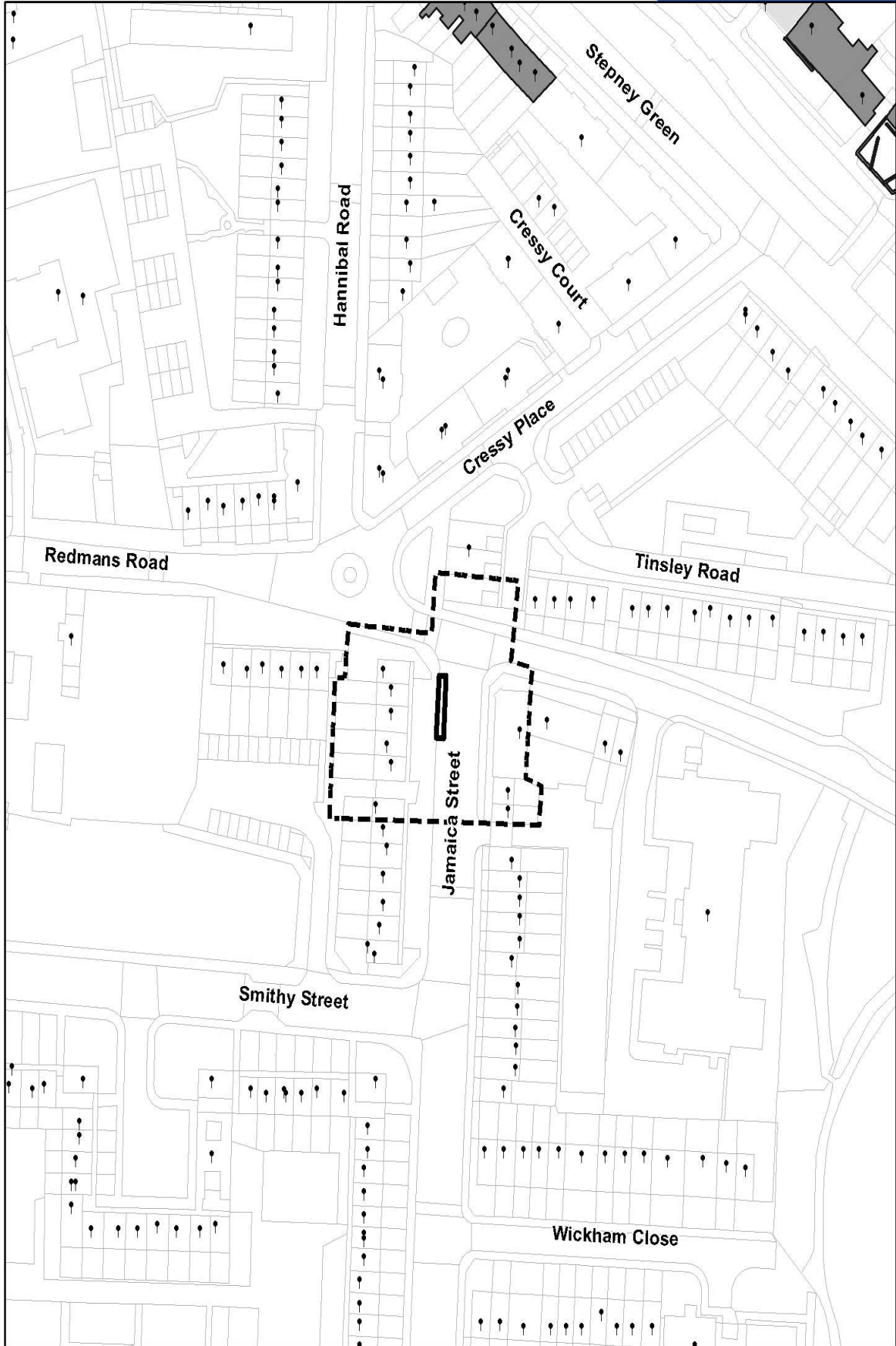
Design

- 8.12 Core Strategy policy SP10 seeks to ensure the delivery of distinct and durable places. UDP policies DEV1 and DEV17 set design criteria for new development.
- 8.13 The proposed docking station is located on the carriageway adjacent to Nos. 367 to 377 Jamaica Street. It would provide 18 docking points and the totem. As the cycle hire scheme is rolled out across London the terminals and docking points are becoming more familiar. The design of both is functional, yet simple and understated and it is not considered to adversely affect the setting of the Stepney Green Conservation Area. It is therefore acceptable in terms of Core Strategy policy SP10 and Interim Planning Guidance CON2.

9.0 CONCLUSIONS

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

Planning Application Site Map



Planning Application Site Boundary

Locally Listed Buildings

Land Parcel Address

Consultation Area

Statutory Listed Buildings



Agenda Item 7.5

Committee: Development	Date: 19 th October 2011	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Monju Ali		Ref No: PA/11/01329	
		Ward(s): Bethnal Green South	

1. APPLICATION DETAILS

Location:	Footway adjacent to 44-101 Hughes Mansions, Selby Street, E1
Existing Use:	Public footway
Proposal:	Installation on the footway of a Barclays Cycle Hire docking station, containing a maximum of 17 docking points for scheme cycles plus a terminal.
Drawing Nos:	Location plan 05/610572_L Rev. A General Arrangement plan 05/610572_GA Rev. 3 Existing layout 05-610572-E Rev. 1 Terminal drawing: CHS_2_T Rev. 5 Docking point drawing: CHS-DP-03 Rev. 3 Foundation docking point drawing CHS-FFC01 Foundation terminal drawing CHS-FFC03 Design and Access Statement (including Impact statement)
Applicant:	Transport for London
Owners:	London Borough of Tower Hamlets
Historic Building:	N/A
Conservation Area:	N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Core Strategy 2010, London Borough of Tower Hamlets Unitary Development Plan 1998, associated supplementary planning guidance, the London Plan 2011 and Government Planning Policy Guidance and has found that:

1) The proposed cycle docking station would contribute to the provision of a sustainable means of public transportation across the borough and is sited so as to not impede pedestrian flow or cause a highway safety hazard. As such the proposal complies with policy SP08 of the adopted Core Strategy, saved policies DEV17 and T18 of the adopted Unitary Development Plan and policy DEV16 of the Interim Planning Guidance. These policies seek to promote safe and sustainable transport across the borough.

2) The proposal is sensitive to its surroundings in terms of scale, design and use of materials and would not result in excessive visual clutter. The proposal therefore complies with policy SP10 of the adopted Core Strategy and saved policies DEV1 and DEV17 of the adopted Unitary Development Plan.

3) The proposal would not result in any significant harm to the amenity of neighbours in terms of noise and disturbance and as such complies with policy SP10 of the Core Strategy, saved policy DEV2 of the adopted Unitary Development Plan and policy DEV1 of the Interim

Planning Guidance. These policies all seek to protect the amenity of neighbours.

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
2. Compliance with approved plans
3. Cycle Station to be removed if it becomes redundant
4. Relocation of existing trees to be agreed upon with local authority.

3.4 Any other planning condition(s) considered necessary by the Corporate Director of Development & Renewal.

4. PROPOSAL AND LOCATION DETAILS

Proposal

4.1 The application proposes the installation on the footway of a Barclays Cycle Hire docking station, containing a maximum of 17 docking points for scheme cycles plus a terminal.

4.2 Each docking station comprises a terminal and bicycle docking points.

4.3 The terminal controls the locking and release of cycles, enables payment of user tariffs and provides a map of local area. The terminal has a maximum height of 2.4m. The terminal is constructed from cast aluminium. The terminal is blue and grey in colour and has a graffiti resistant coating.

4.4 The TfL logo is not illuminated. The screen and way-finding maps are only illuminated on demand.

4.5 The docking points measure 0.8m in height. Each docking point is secured to a square foundation box, which is coloured grey to blend with adjacent pavement/carriageway surface. The docking points are constructed in cast aluminium alloy with a powder coated gloss finish.

4.6 No advertisements are included on the terminal or on the docking points.

Background

4.7 This application is part of the continuation of the London roll out of the Mayor of London's cycle hire scheme. The scheme provides public access to bicycles for short trips and requires a network of docking stations to be located strategically across central London to ensure comprehensive coverage. The scheme allows people to hire a bicycle from a docking station, use it as desired, and return it to either the same docking station or another docking station.

4.8 Docking stations are spaced approximately 300 – 500 metres apart within nine London Boroughs and the Royal Parks. When complete the network will provide about 14,400 docking points and 8,000 cycles for hire.

4.9 The success of the scheme relies on the appropriate distribution of bicycles across the network, and the availability of vacant docking points at the end of each hire. In total TfL propose that approximately 150 docking stations will be located within the London Borough

Tower Hamlets.

Site and Surroundings

- 4.10 The site is located on the footway adjacent to 44-101 Hughes Mansion on the southern side of Selby Street. Selby Street is a short, two-way street accessed from Vallance Road. The site does not lie within a Conservation Area and does also does not affect any statutory listed buildings.
- 4.11 The surrounding area contains a mix of commercial and residential uses. A petrol service station is located to the north-west of the site on the corner of Vallance Road and Selby Street. Vallance Road has a mix of retail units at ground floor level with residential above. There are also various schools in the surrounding area including Thomas Buxton primary school west of the site.
- 4.12 The site is located near to London Cycle Network Routes 194 and 197. Route 194 forms part of the new Bow to Aldgate Barclays Cycle Superhighway.
- 4.13 The proposed docking station would be located on the south side of Selby Street, to the east of the junction with Vallance Road. In this location the pavement is 4m in width. The pavement adjacent to the site is approximately 5m in width. Selby Street forms part of the London Borough of Tower Hamlets adopted highway.
- 4.14 The street furniture to the site includes a lamp column, a sign post, a post box to the back of the footway and two small newly planted trees confined to the planting pits.

Planning History

- 4.15 There is no relevant planning history associated to the site.

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 London Plan 2011

Policies: 6.9 Improving Conditions for Cycling

5.3 Adopted Core Strategy (2010)

Policies: SP08 Making Connected Places
SP09 Creating Attractive and Safe Streets and Spaces
SP10 Creating Distinct and Durable Places

5.4 Unitary Development Plan 1998 (as saved September 2007)

Policies: DEV1 Development requirements
DEV2 Environmental Requirements
DEV12 Landscaping and Trees
DEV17 Street Furniture
T16 Transport and Development
T18 Pedestrians

5.5 Interim Planning Guidance for the purposes of Development Control

Policies: DEV1 Amenity
DEV2 Character and Design
DEV13 Landscaping and Tree Preservation
DEV16 Walking and Cycling Routes and Facilities

- 5.6 **Community Plan** The following Community Plan objectives relate to the application:
A better place for living well
A better place for learning, achievement and leisure

6. CONSULTATION RESPONSE

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

The following were consulted regarding the application:-

London Borough of Tower Hamlets - Transportation & Highways

- 6.2 No objections

Officer Comment (Following the initial concerns raised by LBTH highways officers, the applicant reduced the number of docking points from 27 to 17, further the docking points have been positioned at a 45 degree angle ensuring a minimum clearance of 2m to the pavement.)

Transport for London – Street Management

- 6.3 TfL fully support this application, as it will help to deliver a London wide growth in cycling.

7. LOCAL REPRESENTATION

- 7.1 A total of 94 neighbouring properties within the area shown on the map appended to this report were notified about the application. The application has also been publicised on site via one site notice.

- 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: 2 Objecting: 2 Supporting: 0
No of petitions received: 1 objecting containing 96 signatories
0 supporting containing 0 signatories

- 7.3 The following issues were raised in objection that are addressed in the next section of this report:

- 7.4
- Other docking stations in the vicinity, including 2 docking stations in a 0.5 mile radius

(Officer Comment) The expansion of the Barclays Cycle Hire scheme will provide more docking points and more cycles across the existing network and into east London. TfL consider for the network to operate efficiently and effectively, docking stations are required every 300 metres or so. The existing docking station on Buxton Street is located approximately 350 metres from the site at Selby Street, and similarly, the proposed docking station near Whitechapel at the junction of Vallance Road and Old Montague Street is located approximately 330 metres from the site. As such, it is considered a docking station is required in the Selby Street area.

- 7.5
- Negative impact on residential amenity

(Officer Comment) the docking station has been designed to enable quick and quiet use of both the terminal and docking points by users. Members can use their key readers at the docking points, meaning they only need to be at the docking station for a very minimal amount of time. This, coupled with the setback of Hughes Mansions from the

street and proposed docking station, will ensure that there is no adverse impact on residential amenity.

- 7.6
- Negative impact on pedestrian movement

(Officer Comment) *The docking points will be located at the back of the footway, with a distance of 2.0 metres between the docking station and the pavement edge. This is considered sufficient clearance to maintain pedestrian movement. Towards the middle of the larger docking station, the clearance will be reduced to 1.7 metres where there is a small tree located (to be relocated) close to the pavement edge, however, it is considered unlikely that pedestrian movement will be adversely impacted at this point. Although Cycle Hire users will need to pull cycles out into this shared space of footway, this is the same scenario as all other docking stations installed across London, and it is assumed users will apply common sense and check before moving into a pedestrian or vehicle path.*

- 7.7
- Detrimental impact on surrounding area

(Officer Comment) *Careful consideration through pre-application discussions has been given to the location and design of the docking station to ensure that it is compatible with the streetscape and will not adversely impact the surrounding area. Although the scheme is sponsored by Barclays, the materials and colours of the docking station complement and integrate with other street furniture within the context of the site. This will ensure that the docking station will not stand out from the cohesive streetscape character of Selby Street, and will preserve the character and appearance of the area.*

- 7.8
- Security, increase in crime and anti-social behaviour

(Officer Comment) *TfL have confirmed in June 2010 a new Metropolitan Police Service Cycle Task Force funded by TfL was introduced to reduce the risk of theft and criminal damage of bicycles in London. The team works closely with other policing teams to engage with Cycle Hire users, promote security messages, and patrol docking station sites. In addition, the Police are working closely with TfL and Serco (the scheme operator) to promote security and address any theft and vandalism issues relating to the scheme. TfL recognise there can never be any guarantees that cycles will not be stolen or vandalised, however the docking stations are designed to minimise the possible threat of theft or vandalism, and each cycle has many of its mechanical parts encased, reducing the risk of vandalism still further. The scheme has shown a very low level of theft and vandalism compared to the number of trips made on the cycles.*

Anti-social behaviour is known to decrease or be less likely in areas which have an active use, good overlooking and natural surveillance. This location is already overlooked with natural surveillance due to its proximity to residential flats. A docking station at this location will therefore introduce an active use to the space.

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the committee must consider are the principle of development, highways and amenity:-

Principle of Development

- 8.2 The need to encourage cycling and other forms of transport is recognised in Planning Policy Statement (PPS) 1: Delivering Sustainable Development. London Plan policy 6.9 and LBTH Core Strategy policy SP08 support the extension of the Cycle Hire Scheme.
- 8.3 The proposal would improve the cycle hire scheme by providing extended coverage across

the Borough. The docking station contributes to the delivery of a sustainable and low emissions form of transport, and is acceptable in principle.

Transport & Highways

- 8.4 Core Strategy policy SP09, and UDP policies T16 and T18 seek to prioritise the safety and convenience of all highway users, and encourage sustainable forms of transport.
- 8.5 The proposed docking station is located on the public footway and comprises of two separate lengths of docking points. The first of these is 14.50m long and the second 7.50m long. The docking points are located along the back edge of the pavement.
- 8.6 The docking station would provide a total 17 docking points (positioned at a 45 degree angle to save space) and a terminal totem which would be located towards the western end of the shorter station.
- 8.7 There is a minimum 2.5m width of pavement remaining between the back of the docking station and the edge of the footpath; therefore it would not impede pedestrians passing the site.
- 8.8 The location of the proposed docking station would not significantly add to any street clutter nor would it impede the movement of vehicles or pedestrians. The proposal is therefore acceptable in terms of Core Strategy policy SP10 and UDP policies DEV1 and DEV17.

Amenity

- 8.9 Policy SP10(4) of the adopted Core Strategy (2010), policy DEV2 in the UDP 1998 and Policy DEV1 of the Interim Planning Guidance seek to ensure that development where possible protects and enhances the amenity of existing and future residents.
- 8.10 The docking station will be available for use 24 hours a day, seven days a week. It is anticipated, however, that the main period of use will be during daylight hours.
- 8.11 Releasing and re-docking the bicycles occurs with little discernable noise. Registering at the terminal is a process similar to topping up an Oyster card and has no material noise impact. The proposed docking stations will become a focus of activity, increasing the comings and goings at the site. However, it is not anticipated that cycle scheme users will spend a prolonged period at the docking station and, as such, will not result in any harmful amenity impacts in terms of noise, overlooking or general disturbance.
- 8.12 There have been concerns about docking stations attracting vandalism or antisocial behaviour. However, the docking stations are not vastly different to other items of street furniture, which provide an overarching public benefit, such as bus stops. The site is in an area that benefits from natural surveillance and amenity impacts are considered acceptable in terms of Core Strategy policy SP10, saved UDP policy DEV2 and IPG policy DEV1.

Trees

- 8.13 The two existing trees affected by the proposal will need to be removed and relocated to ensure a minimum of 2 meter clearance of the pavement. The relocation of the trees will be secured by condition attached to the permission. This ensures the proposal accords with policy DEV15 of the adopted Unitary Development Plan (1998) and policy DEV13 of the Interim Planning Guidance (2007). These policies seek to ensure the retention of trees for amenity value.

Design

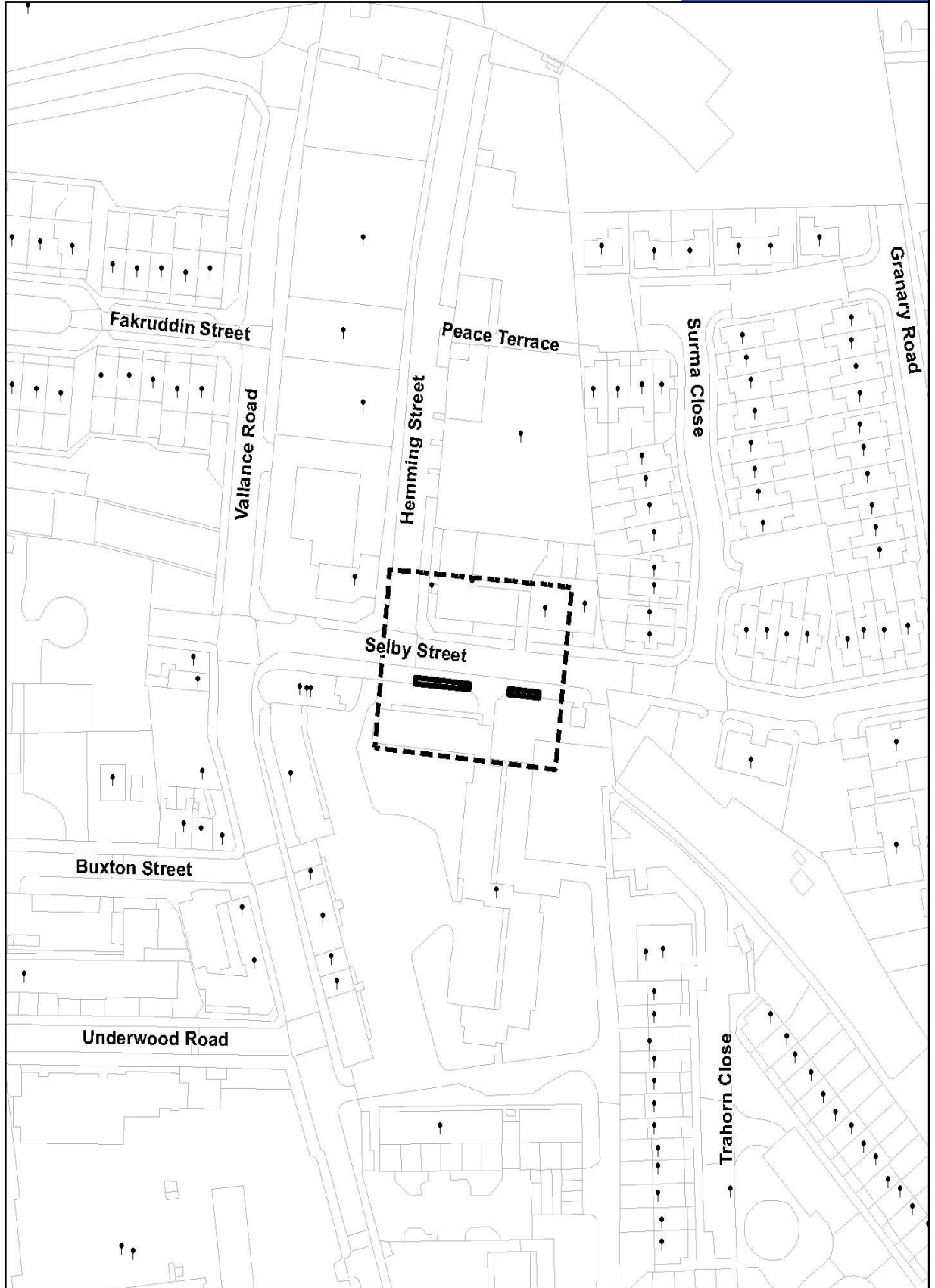
- 8.14 Core Strategy policy SP10 seeks to ensure the delivery of distinct and durable places. UDP policies DEV1 and DEV17 set design criteria for new development.

8.15 As the cycle hire scheme is rolled out across London the terminals and docking points are becoming more familiar. The design of both is functional, yet simple and understated and is acceptable in terms of Core Strategy policy SP10 and UDP policies DEV1 and DEV17.

9.0 CONCLUSIONS

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

Planning Application Site Map




 Planning Application Site Boundary

 Locally Listed Buildings

 Land Parcel Address

 Consultation Area

 Nationally Listed Buildings



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.

Agenda Item 7.6

Committee: Development	Date: 19 th October 2011	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal Case Officer: Shahara Ali-Hempstead		Title: Planning Application for Decision Ref No: PA/11/00505 Ward(s): Whitechapel	

1. APPLICATION DETAILS

Location:	21 Plumbers Row, London, E1 1EQ
Existing Use:	Mixed used development comprising of a six storey building with a lower ground floor, comprising of two floors of commercial use at lower ground and ground floor and 11 live work units and 11 residential units on the upper floors (1 st – 5 th floors).
Proposal:	Two storey set back extension to the roof of an existing six storey building to create 5 dwellings (3 x 1 bed and 2 x 2 bed), together with extension to the existing 5th floor and the provision of additional bicycle parking and refuse/recycling facilities.
Drawing Nos:	OS Site map no. 2(01)00 Drawing no's: 2(03)00, 2(03)05, 2(03)06, 2(04)00, 2(04)01, 2(05)00, 2(05)01, 2(05)02, 2(05)03, 2(12)00, 2(12)05, 2(12)06, 2(12)07, 2(12)RF, 2(13)00, 2(13)01, 2(14)00, 2(14)01, 2(14)02, 2(14)03 and 2(20)00
Supporting Documents:	Planning Statement Dated March 2011 Design and Access Report dated February 2011 Impact Statement dated February 2011 Daylight and Sunlight report dated 14 th February 2011
Applicant:	Cobstar Developments Ltd
Owner:	Cobstar Developments Ltd
Historic Building:	N/A
Conservation Area:	N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Plan (2011), the Council's Core Strategy (2010), the London Borough of Tower Hamlets Unitary Development Plan (1998), the Council's Interim Planning Guidance (2007), associated supplementary planning guidance and Government Planning Policy Guidance and has found that:

- Subject to conditions the design and scale of the proposed roof extensions and alterations at 5th floor would be acceptable and in keeping with the scale of development within the surrounding area. Due to the set back and stepped design of the extension the height of building the extensions will appropriately maintain the appearance of the building, in accordance with policies 7.1, 7.4, 7.5 and 7.6 of the London Plan 2011, policies SP10 and SP12 of the Core Strategy 2010, saved policies DEV1 and DEV2 of the Unitary Development Plan 1998 and policies DEV1 and DEV2 of the Interim Planning Guidance 2007 seek to ensure developments are of appropriate mass and scale to integrate with the surrounding environment and protect the amenity of the surrounding environment and occupiers.

- The development adequately protects the amenity of future and neighbouring occupiers, due to appropriately maintaining daylight to adjoining residents, appropriate separation distances to maintain privacy, appropriate unit and room sizes for future occupants in accordance with policy 3.5 of the London Plan, policies SP02 and SP10 of the Core Strategy 2010, saved policies DEV2, HSG13 and HSG16 of the Unitary Development Plan 1998 and policies DEV1 and DEV2 of the Interim Planning Guidance 2007.
- In reference to transport matters, including provision of cycle parking and the creation of a car free development, the proposal is considered acceptable and in accordance with policies 6.9 and 6.13 of the London Plan 2011, strategic policy SP09 of the Core Strategy adopted September 2010, policies DEV1 and T16 of the adopted Unitary Development Plan (1998), policies DEV16, DEV17 and DEV19 of the Interim Planning Guidance (2007). These policies seek to ensure developments can be supported within the existing transport infrastructure.

3. RECOMMENDATION

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

Conditions on Planning Permission

- 1) 3 year Time Period
- 2) Development to be carried out in accordance with the approved plans
- 3) External materials to be submitted and typical details of window reveal/ balustrading 1.20.
- 3) Car Free Development
- 4) Lifetime Homes
- 5) Waste and Recycling Storage to be retained as shown on drawings
- 6) Cycle Storage details to be agreed
- 7) Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

Informatives on Planning Permission

- 1) Associated S106 agreement
- 2) Highway Improvements

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The applicant proposes the construction of two storey set back extension to the roof of an existing six storey building to create 5 dwellings (3 x 1 bed and 2 x 2 bed), together with a small extension to one of the existing units on the 5th floor and the lift shaft. The proposal also includes the provision of additional bicycle parking and refuse/recycling facilities at ground floor level.

Site and Surroundings

- 4.2 The subject site is located on the eastern side of Plumbers Row, approximately 135m south of Whitechapel Road and 113 metres north of Commercial Road, at the intersection of Mulberry Street and Coke Street. The site is occupied by a five storey building with ground and lower ground floor. The ground and lower ground floor consist of commercial units and the upper floors are a mixture of live/work and residential units.

- 4.3 The site is located within a mixed use area ranging from commercial units and mixed use developments (residential flats above ground floor commercial).
- 4.4 The surrounding area consists of a mix of building heights and design, ranging from two storey light industrial and storage buildings to eight storey residential developments to the south west of the site. Directly to the north of the site on the corner of Fieldgate Street (Site At 14 Fieldgate Street And From 7 To 9 Plumbers Row) construction of a development for 9 storeys mixed use development with commercial use on the ground and student housing above is currently under way.

Planning History

- 4.5 PA/00/231 Planning permission was **granted** on 28/02/2001 for the erection of five storey building comprising ground and first floor office accommodation with 12 live/work units over the 2nd, 3rd and 4th floors.
- 4.6 PA/00/1375 Planning permission was **granted** on 22/08/2002 demolition of existing commercial unit and replacement with five storey building, providing lower ground and ground floor Use Class B1 space with 18 live/work units on upper floors.
- 4.7 PA/02/0227 Planning permission was **granted** on 14/01/2004 for erection of a single storey extension to flat roof to provide two live/ work units.
- 4.8 PA/04/1919 Planning permission was **granted** on 19/09/2005 for change of use of rear ground floor from commercial (B1) to 2 No. flats, together with change of use from live/work in units 7,8,11,13,16,17,18,19 and 20 to 12 No. flats on parts of second, third, fourth and fifth floors. (It is noted that this application was partially implemented)
- 4.9 PA/06/0273 Planning permission was **granted** on 8/05/2006 for change of use of basement and ground floor from B1 to D1 (Education) plus addition of rear staircase.
- 4.10 PA/06/1121 Planning permission **refused** on 03/10/2006 for change of use from live-work to residential only.

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 Spatial Development Strategy for Greater London (July 2011)

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 6.9 Cycling
- 6.13 Parking
- 7.1 Building London’s neighbourhoods and communities
- 7.2 An inclusive environment
- 7.4 Local character
- 7.6 Architecture

5.3 Core Strategy 2025 Development Plan Document (September 2010)

SP01	Refocusing on our Town Centres
SP02	Urban Living for Everyone
SP05	Dealing with Waste
SP09	Creating Attractive and Safe Streets and Spaces
SP10	Creating Distinct and Durable Places
SP12	Delivering Placemaking

5.4 Unitary Development Plan 1998 (as saved September 2007)

DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use Developments
DEV55	Development and Waste
DEV56	Waste Recycling
HSG7	Dwelling Mix and Type
HSG13	Standard of Converted Dwellings
HSG16	Housing Amenity Space
T16	Traffic Priorities for New Development

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

DEV1	Amenity
DEV2	Character and Design
DEV3	Accessibility and Inclusive Design
DEV10	Disturbance from Noise Pollution
DEV15	Waste and Recyclables Storage
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes

5.6 Supplementary Planning Guidance/Documents

Residential Space – SPG 1998

5.7 Government Planning Policy Guidance/Statements

PPS 1	Delivering Sustainable Development
PPS 3	Housing

5.8 Community Plan – One Tower Hamlets

The following Community Plan objectives relate to the application:

A Great Place To Be
 Healthy Communities
 Prosperous Communities
 Safe and Supportive Communities

6. CONSULTATION RESPONSE

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

LBTH Transportation and Highways

6.2 The site is located in an area of very good public transport accessibility (Level 6a) with traffic congestion and very high parking levels evident in a radius around the nearby Mosque backing onto Fieldgate Street. This site is suitable for a car-and-permit free agreement.

(*Officer Comment:* A condition is recommended to prevent future occupiers applying for on-street car parking permits).

- 6.3 There are no on-site parking spaces; the applicant has not demonstrated where a disabled person could park on-site or elsewhere with ease, as is required. (*Officer Comment:* The application site is an existing mixed use development and due to the constraints of the site disable parking has not been provided. However, the permit restriction secured by the condition above would be exempt for blue badge holders)
- 6.4 Cycle parking is provided at the standard of 1 per flat which is acceptable, although the space in the stairwell is cramped and upright stands are provided rather than the standard/preferred sheffield stand design. There is level access to the lower ground floor via a lift. (*Officer Comment:* A condition of consent will be recommended to allow for further details of the cycle store to be agreed).

7. LOCAL REPRESENTATION

- 7.1 A total of 290 neighbouring properties within the surrounding area 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 responses:	21	Objecting:	21	Supporting:	0
Petitions:	0				

- 7.2 The following planning issues were raised in representations:

Representation Comments

- 7.3 Amenity Concerns:

- Overlooking onto communal terrace
- Daylight and sunlight impacts

(*Officer's Comments:* Amenity related matters are discussed in detail in section 8 of this report).

- 7.4 Noise Concerns

- Noise from building works

(*Officer's Comments:* Issues relating to noise from building works are controlled by the Environmental Health department any excessive noise experienced during the course of the development should be reported to Environmental Health department for appropriate action.

- 7.5 Parking Concerns

- Increase parking issues

(*Officer's Comments:* If the application is approved the applicant will be required to enter into a S106 Car free agreement as such it is not envisaged that the proposal will result in an increase in parking issues).

- 7.6 The following comments were raised which are not considered to be material planning issues:

- Decrease in value of property
- Loss of view
- Reliability of lift
- The internal refurbishment of existing building

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Impact on the Amenity of Adjoining Occupiers and the Surrounding Area
2. Design and Layout of the Development

Principle of the Land Uses

Principle of Residential Use

- 8.2 The provision of additional housing is supported at the national, regional and local level. PPS3 states that “*A flexible, responsive supply of land – managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.*” should be applied to the provision of housing. Within the London Plan policy 3.3 sets out targets for each Borough and requires Local Authorities to seek the maximum provision of additional housing possible. At the local level this is supported by policy SP02 of the Core Strategy 2010 (CS).
- 8.3 Given residential accommodation already exist on site, the inclusion of additional residential units within the development proposal is considered acceptable in principle and would contribute to the provision of additional housing within the Borough, in accordance with policy 3.3 of the London Plan and policy SP02 of the CS.
- 8.4 Council policy only requires provision of affordable housing once a scheme exceeds 10 or more units, as noted in Policy SP02 of the CS and policy HSG3 of the Interim Planning Guidance 2007 (IPG). Therefore, given the scheme only provides five residential units, these policies are not triggered and no further regard need be given to this matter.

Housing Provision

Housing Mix

- 8.5 The applicant is seeking to provide three x one bedroom and two x two bedroom dwellings as part of the proposed development. It is noted that this does not fully comply with policy SP02 of the CS, saved policy HSG7 of the Unitary Development Plan 1998 (UDP) and policy HSG2 of the IPG. However, within the existing development family size dwellings have already been provided, furthermore given the constraints of the site it is not considered that this would justify the refusal of the scheme.

Impact on the Amenity of Adjoining Occupiers and the Surrounding Area

- 8.6 Part 4 a and b of strategic policy SP10 of the CS, saved policy DEV2 of the UDP and policy DEV1 of the IPG seek to protect the residential amenity of the residents of the borough. These policies seek to ensure that 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.

Daylight and Sunlight

- 8.7 It is noted that residents have raised concerns about the impact of the proposed development on their levels of daylight and sunlight. The applicant has submitted a daylight

and sunlight report to assess these impacts.

Sunlight

- 8.8 BRE guidance states that a window facing within 90 degrees of due south receives adequate sunlight if it receives 25% of annual probable sunlight hours including at least 5% of annual probable hours during the winter months.
- 8.9 The submitted report assessed the impact on the worst affected windows of 17-19 Plumbers Row and 23 Plumber Row.
- 8.10 In respect of 17-19 Plumbers Row the level of sunlight, all windows assessed would be in line with BRE guidance.
- 8.11 In respect of 23 Plumber Row, all windows assessed would be in line with BRE guidance.

Daylight:

- 8.12 The submitted study includes the results of BRE Vertical Sky Component (VSC) test.
- 8.13 BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be less than 20% of the former value, to ensure sufficient light is still reaching windows.
- 8.14 The submitted report assessed the impact on the worst affected windows of 18 Plumber Row (Albany Court), 17-19 Plumbers Row and 23 Plumber Row.

18 Plumber Row (Albany Court):

- 8.15 In respect of VSC within Albany Court the first, second, third and fourth floor windows were tested. It is noted that the third floor windows are situated beneath a solar shading overhang.
- 8.16 All windows at first to fourth floor level would all achieve results in excess of 0.8 times the current values, which would be in line with BRE Guidance.

17-19 Plumbers Row

- 8.17 In respect of VSC within 17-19 Plumbers Row, only a certain number of windows would be affected by the development. These windows are located on the south elevation between second and seventh floor.
- 8.18 All the windows on second to seventh floor would all achieve results in excess of 0.8 times the current values, which would be in line with BRE Guidance.

23 Plumber Row

- 8.19 In respect of VSC within 23 Plumbers Row, only a certain number of windows will be affected by the development. These windows are located on the north elevation between second and fifth floor.
- 8.20 All the windows would all achieve results in excess of 0.8 times the current values, which would be in line with BRE Guidance

21 Plumbers Row:

- 8.21 The daylight and sunlight report has also considered the daylight for residents of the existing development.

- 8.22 The habitable rooms at third and fourth floor level of the existing development were tested. In respect of the first test VSC, all of the windows are compliant with BRE Guidance.

Amenity Space:

- 8.23 BRE Guidance states that open spaces should receive not less than 40% of available annual sunlight hours on the 21st March. Furthermore, any additional loss must be within 20% of the former conditions.
- 8.24 There are two roof terraces neighbouring the development site, at 17-19 Plumbers Row and 23 Plumbers Row. As the site lies north of the terrace at 23 Plumbers Row it would have little impact on sunlight provision.

Amenity Space:

- 8.25 BRE Guidance states that open spaces should receive no less than 40% of available annual sunlight hours on the 21st March. Furthermore, any loss must be within 20% of the former conditions. In respect of this point and following concerns raised by residents, the Daylight and Sunlight Consultant has confirmed that under two fifths of the terrace would be prevented from receiving sunlight on the 21st of March as a result of the proposed development. As such, the proposal complies with the requirements of the BRE guidance.
- 8.26 It is therefore considered that the proposed development would accord with policy SP10 of the CS, saved policy DEV2 of the UDP and policy DEV1 of the IPG, in terms of daylight and sunlight.

Privacy

- 8.27 By seeking to protect the amenity of surrounding existing and future residents, policy SP10 of the CS, saved policy DEV2 of the UDP and policy DEV1 of the IPG also seek to protect neighbouring occupiers from the effects of overlooking from new developments and reduction in terms of privacy.
- 8.28 The residents of 17-19 Plumbers Row currently have open views across the site, and any development would result in a change in outlook for residents. In assessing this change consideration has been given to the existing site layout, relationships between buildings including distance and the massing of the proposed development.
- 8.29 The proposed development would not seek to introduce any additional window openings within the north and south elevation of the building which would have affected the privacy of residents at 17-19 Plumbers Row and 23 Plumbers Row.
- 8.30 The proposed development follows the established pattern of the existing building, the development set back from Plumbers Row to minimise impact on 18 Plumber Row (Albany Court) to the west elevation. The rear elevation is stepped to follow the principle set on the existing floors below to minimise impact to properties to the east elevation.
It is therefore considered that the proposed development would not result in any unacceptable impacts in terms of overlooking or privacy and would accord with policy SP10 of the CS, saved policy DEV2 of the UDP and policy DEV1 of the IPG, in terms of overlooking and privacy.

Design and Layout of the Development

Mass and Scale / Appearance and Materials

- 8.31 Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan, policies SP02, SP10 and SP12 of the Core CS, saved policies DEV1 and DEV2 of the UDP and policies DEV1 and DEV2 of the IPG seek to ensure developments are of appropriate mass and scale to integrate with the surrounding environment and protect the amenity of the surrounding environment and occupiers.
- 8.32 The application proposal includes a two storey roof extension to the existing six storey building and a number of alterations to two of the existing units on the 5th floor to cater for the proposed roof extension.
- 8.33 The existing building is six storeys in height (with a lower ground floor) with five floors of residential above two floors of commercial use at ground and lower ground floor. The top floor of the residential accommodation is set back from Plumber Row.
- 8.34 The development covers the majority of the site and is generally arranged in a u-shape around a secure court yard which holds the stairs/lift core, leading to the external deck access on all floors. To the rear, the building steps back sequentially as it rises, creating a distinctive rear elevation that allows light to penetrate into the central atrium.
- 8.35 The proposed extension would be set back from Plumbers Row to minimise impact on the streetscape. The rear elevation is stepped to follow the principle set on the existing floors below. The proposed building envelope is angled at various points in response to the building line of the adjacent properties and existing building.
- 8.36 The massing is articulated as continuous folding panels that wrap back on themselves and alternate from floor to floor, zig zagging to form the floors, ceiling and gable walls of the proposed extension.
- 8.37 It is considered that the scale, massing and appearance of the proposed extension would be acceptable and in keeping with the scale of development within the surrounding area. No. 14-17 Plumbers Row to the north of the application site is 7-9 storey building, further north of the site no. 7-9 Plumber Row is the proposed 9 storey building. In this instance due to the set back and stepped design of the extension the height of building within the area is acceptable. As such, the proposed two additional storeys to existing building is in keeping within the surrounding area.
- 8.38 The Council's Urban Design Officer has reviewed the proposals and considers them acceptable, subject to conditions of consent being included in respect of external materials and detailed appearance.
- 8.39 Subject to conditions it is considered that the proposed appearance and materials of the development would be appropriate and that the development would be acceptable in term of policies 7.1, 7.4 and 7.6 of the London Plan, policies SP02, SP10 and SP12, policies DEV1 and DEV2 of the UDP and policies DEV1 and DEV2 of the IPG with reference to high quality design.

Internal Amenity

Flat Sizes

- 8.40 Policy 3.5 of the London Plan, policy SP02 of the CS, policy HSG13 of the UDP and policy DEV2 of the IPG seek to ensure that adequate dwelling sizes and room sizes are provided to ensure appropriate living conditions for future occupiers. The London Plan provides

minimum standards for overall dwelling sizes, while the Council's "Supplementary Planning Guidance Note – Residential Space" provides both minimum dwelling sizes as well as minimum room sizes.

- 8.41 The proposed room sizes and overall flat sizes are considered acceptable.
- 8.42 It is therefore considered that the proposed development provides acceptable internal space for the amenity of the future residents in accordance with policy SP02 of the CS, saved policy HSG13 of the UDP and policy DEV2 of the IPG.

External Amenity Space

- 8.43 Part 6d of strategic policy SP02 of the CS and saved policy HSG16 of the adopted UDP provides that all new housing developments should provide high quality, useable amenity space, including private and communal amenity space, for all residents of a new housing scheme. 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.
- 8.44 The existing building on site generally covers the whole of the site, with the exception of the courtyard area. The existing development benefits from amenity space for some of the flats in the form of balconies. The proposed residential accommodation would also benefit from private amenity space for each new flat in the form of balconies. Whilst two of the flats fall just below the minimum standards set out in table DC2 of the IPG, this is marginal and would not justify a reason for refusal, as such it is considered that the quality and usability of the proposed private amenity spaces would be acceptable.

Highways

Parking

- 8.45 Policies 6.1, 6.11 and 6.13 of the London Plan seek to reduce traffic congestion and vehicle use by minimising vehicle parking within developments and promoting use of public transport. This is supported by policy SP09 of the CS and policy DEV19 of the IPG.
- 8.46 In order to minimise the use of private motor vehicles, reduce motor vehicle traffic, prevent increased stress on the permit parking bays and promote sustainable transport use, it is considered that the future occupants should be prevented from obtaining parking permits for on-street parking. In order to achieve this, it is recommended a condition restricting the issuing of parking permits to the future occupiers be imposed on any approval.
- 8.47 With the imposition of a condition of consent restricting the issuing of on street parking permits and given there is no parking provided onsite, it is considered that the development would appropriately reduce traffic congestion and vehicle use by minimising vehicle parking within developments and promote the use of public transport and would accord with policies 6.1, 6.11 and 6.13 of the London Plan, policy SP09 of the CS and policy DEV19 of the IPG.

Cycle Parking and Facilities

- 8.48 Policy 6.9 of the London Plan, policy SP09 of the CS and policy DEV16 of the IPG seek to provide better facilities and a safer environment for cyclists.
- 8.49 The proposed development provides cycle storage for each of the five residential flats. The proposed cycle storage is located in secure, sheltered areas on the lower ground floor level of the development. Highways have raised concerns that upright stands are provided rather

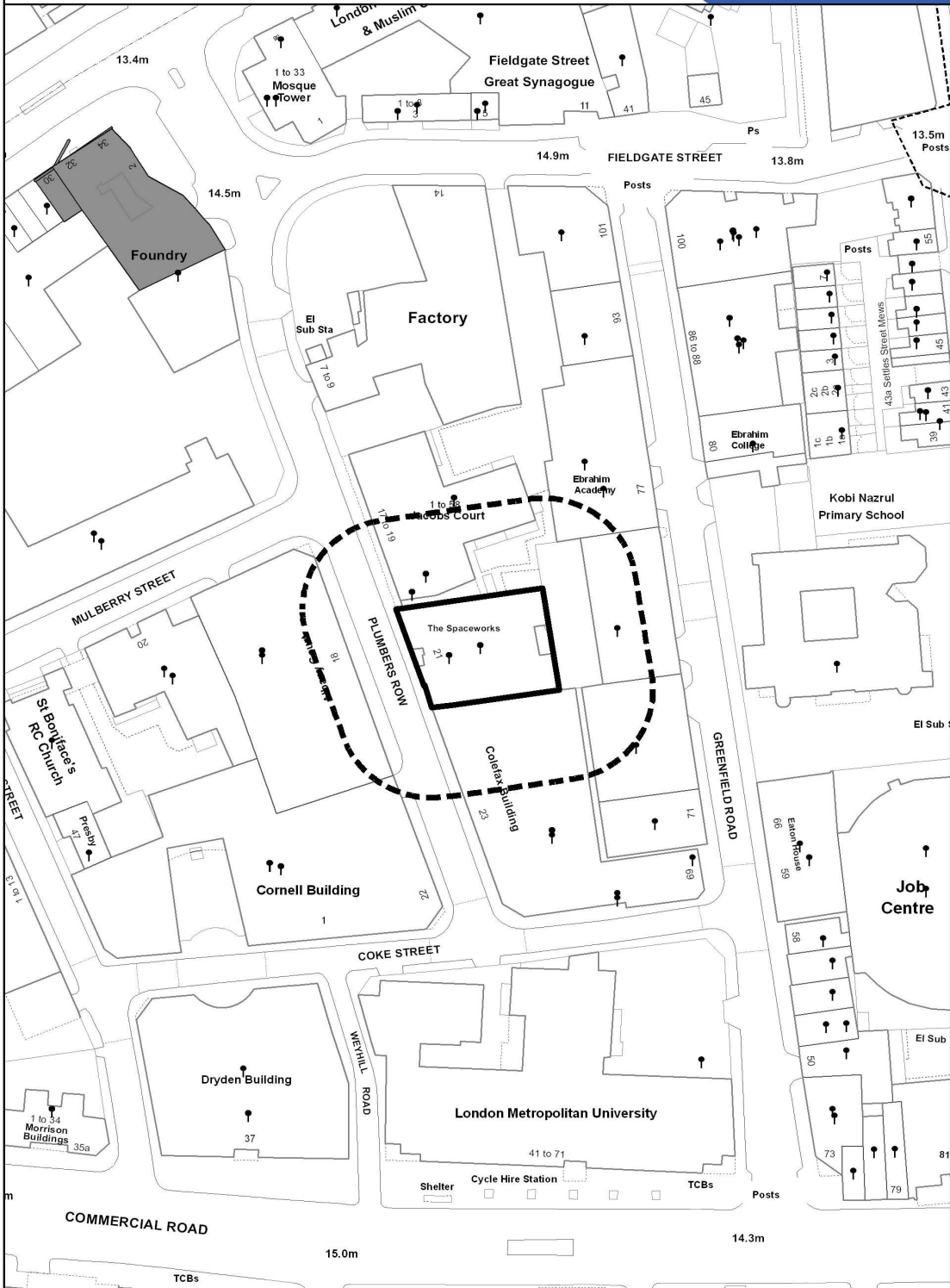
than the standard/preferred sheffield stand design.







- 8.50 A condition of consent is recommended to ensure that sheffield stands are provided and the cycle storage is retained within the development for the lifetime of the use.
- 8.51 Given that the development provides adequate cycle storage provision, it is considered that the development would be acceptable in terms of policy 6.9 of the London Plan, policy SP09 of the CS and policy DEV16 of the IPG.

Refuse Storage:

- 8.52 The existing development currently has a 'Refuse Store' the proposal includes the enlargement of the existing communal bin store; this would be maintained for existing and proposed residents. The proposed refuse storage appears acceptable and in line with saved policy DEV15 and planning standard 2 of the IPG.
- 8.53 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map



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

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

Committee: Development	Date: 19 October 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/11/00246
Site:	52-56 Brick Lane E1 6RH
Development:	Erection of a rear two storey extension (on top of an existing single storey addition) to provide additional storage.
Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.2 The main issues in this case were as follows:

- The impact of the development on the character and appearance of the Fournier Street and Brick Lane Conservation Area.
- The impact of the development on the amenities of the occupiers of 2B Heneage Street.

3.3 The Planning Inspector noted that a number of rear additions to the properties in the vicinity of the site had been previously altered and he was satisfied that the extension would not have appeared as an incongruous addition to the property. He was also satisfied that the roof of the extension of be sympathetic with the host property

3.4 He was more concerned about the impact of the development on the amenities of neighbouring occupiers. In view of inaccuracies in the appellant's daylight and sunlight report, the Planning Inspector afforded it only limited weight. He concluded that in view of the proposed height and scale of the proposed extension, the development would have further reduced daylight and sunlight from reaching the windows of habitable rooms at 2B Heneage Street as well as more general outlook, resulting in increased enclosure.

3.5 The appeal was DISMISSED.

Application No:	PA/11/00214
Site:	61, 63, 65 and 67 Cahir Street, London E14 3QR
Site:	Erection of three storey extensions and dormers extensions and conversion to 8x2 bed flats
Council Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

3.6 The main issues in this case included the loss of the four existing family dwelling houses and the lack of amenity space for the proposed flatted accommodation

3.7 The Planning Inspector acknowledged that the rear extensions and roof extensions had been previously granted consent and noted that works in relation to this previous planning permission had commenced.

3.8 The Planning Inspector was not satisfied with the loss of family accommodation, with all four units benefitting from outdoor amenity space, albeit relatively small. He found no evidence that there was a specific local need in favour of the proposed units, over the Council's aim to retain appropriate single family units.

3.9 He was similarly concerned that four of the 8 flats would not have access to outdoor amenity space and concluded that this would add to the imbalance within the Borough between existing predominance of flats without gardens against the number of family homes with gardens

3.10 The appeal was DISMISSED.

Application No:	PA/11/00613
Site:	31 Manchester Grove, London E14

Development:	3BG Erection of first floor rear extension above existing kitchen and day rooms area.
Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	ALLOWED

3.11 The main issues in this case were the impact of the proposed extension on the character and appearance of the Chapel House Conservation Area and the living conditions of occupiers of 29 Manchester Road.

3.12 The proposed extension would have extended full width of the property (towards the rear) and the Inspector considered that it would have had a noticeable impact on the street scene. He concluded that it would have appeared as a dominant and highly visible feature, especially when viewed from Millwall Park and would have been poorly related to the property's hipped roof and the simple linear form of the terrace. He concluded that it would not have preserved or enhanced the character and appearance of the conservation area.

3.13 Whilst the Inspector noted that the extension would not have breached the 45 degree rule of thumb approach to assessing amenity impacts, he concluded that the combined height and depth of the proposed extension would have had an overbearing impact on the neighbouring dwelling, including the associated rear garden. He felt that this would have led to an unacceptable sense of increased enclosure.

3.14 The appeal was DISMISSED

Application No:	PA/10/02167
Site:	202-208 Commercial Road, London E1 2JT
Development:	Redevelopment of the site to provide a replacement five storey building comprising residential and commercial uses.
Council Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

3.15 The site has been the subject of previous successful appeal outcomes and previous planning permissions. Planning permission exists for a 4 storey building on the site, but a previous scheme proposed a 6 storey building that was previously dismissed on appeal

3.16 The current appeal proposal involved the erection of a five storey building (retail at ground floor and residential accommodation above). The site was defined as an "island site" and holds a prominent position within the streetscene. The Planning Inspector concluded that the 5 storeys would be too tall and would not have been well related to neighbouring buildings and the redevelopment proposals on the opposite site of Richards Street. He concluded that the 5 storey building would have been viewed as an incongruous feature within its immediate context. He also concluded that the scale of the development would have had an overbearing impact on the adjacent Mulberry Secondary School

for Girls.

- 3.17 The Inspector was also critical of the quality of private amenity space with balconies very limited in size. Furthermore, he noted that the balconies would front a very busy road and would not provide an attractive area of amenity space for use by a family.
- 3.18 He was less concerned about lack of space to accommodate storage for recycled waste (which was a reason for refusal) and felt that it could well be secured through the use of conditions.
- 3.19 The appeal was DISMISSED.

Application No:	ENF/08/00006
Site:	29-43 Vyner Street London E2 9DQ
Development:	Appeal against an enforcement notice in respect of the use of the ground first and second floors as 13 self contained flats, erection of a mansard style second floor extension and the unauthorised alterations to windows on the first floor.
Decision:	INSTIGATE ENFORCMENT ACTION (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED AND ENFORCEMENT ACTION UPHELD

- 3.20 The appeal premises was previously altered in a number of respects, including a mansard roof extension, alterations to window arrangements and the conversion of the property from business accommodation to 13 flats. The Council had previously granted planning permission for a mansard roof extension (back in 2003) by the mansard undertaken on site was significantly different from that previously approved. The appellant had recently sought retrospective planning permission for the works (including a reduction in the number of residential units, but this was refused planning permission earlier this year.
- 3.21 The Planning Inspector was concerned about a number of aspects of the development the subject of the enforcement notice. The main issues were whether the mansard roof extension and alterations to windows harm the character and appearance of the host building and the setting of the conservation area and whether the residential accommodation is "substandard, having regard to the size and nature of the accommodation, , the provision of amenity space, the provision of cycle storage and provision of affordable housing.
- 3.22 In short, the Planning Inspector agreed with the majority of the Council's arguments. Whilst a previous mansard has been approved by the Council, the Planning Inspector felt that the mansard that had been erected was visually awkward with an imposing "box like" form. He concluded that the mansard as built harmed the character and appearance of the Regents Canal Conservation Area. He also agreed with the Council that the replacement windows and "Juliet" style balconies were visually inappropriate for the design of the building and its commercial/workshop origins.

- 3.23 As regards substandard residential accommodation, the Inspector was very critical of the development in terms of its failure to provide affordable housing, external amenity space and a suitable mix of residential accommodation. He concluded that the development was substantially deficient and did not fulfil the proper requirements of the development plan.
- 3.24 Finally, The Planning Inspector considered that the Council had been entirely reasonable in respect of the steps to be taken to comply with the requirements of the enforcement notice
- 3.25 The appeal was DISMISSED and the enforcement notice UPHELD
- 3.26 This is a very satisfying appeal outcome. We now have the ammunition to finally resolve these long standing breaches of planning control. It is hoped that a much improved development offer might emerge in the future and this appeal decision.

4. NEW APPEALS

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

<i>Application No:</i>	<i>PA/11/01363</i>
<i>Sites:</i>	<i>28 Invicta Close, London E3 3RZ</i>
<i>Development</i>	<i>Erection of a single storey rear extension</i>
<i>Council Decision</i>	<i>Refuse planning permission (delegated decision)</i>
<i>Start Dates</i>	<i>30 September 2011</i>
<i>Appeal Method</i>	<i>WRITTEN REPRESENTATION</i>

- 4.2 The Council refused planning permission on the grounds of impact of neighbouring amenity through excessive bulk, scale, height and depth of extension and quality of accommodation (in terms of inadequate outlook from a proposed habitable room).

<i>Application No:</i>	<i>PA/11/01186</i>
<i>Site:</i>	<i>17 Duff Street E14 6DL</i>
<i>Development:</i>	<i>Erection of a rear dormer extension together with the installation of three conservation area roof lights</i>
<i>Council Decision:</i>	<i>Refuse planning permission (delegated decision)</i>
<i>Start Date</i>	<i>7 September 2011</i>
<i>Appeal Method</i>	<i>WRITTEN REPRESENTATIONS</i>

- 4.3 The Council refused planning permission in this case on grounds of an over-bulky and inappropriate form of development, failing to respect the uniformity of the terrace and the character and appearance of the conservation area.

<i>Application No:</i>	<i>PA/11/01469</i>
<i>Site:</i>	<i>189-193 Whitechapel Road, London E1</i>
<i>Development:</i>	<i>Retention of single, internally illuminated advertisement display for a temporary three year period</i>
<i>Council Decision:</i>	<i>Refuse (delegated decision)</i>

Start Date **5 September 2011**
Appeal Method **WRITTEN REPRESENTATIONS**

- 4.4 The site the subject of this appeal is currently vacant and located within the Whitechapel Market Conservation Area. The Council refuse advertisement consent on grounds of its excessive size, detracting from the character and appearance of the conservation area and the visual amenities of the area (linked to the Council's High Street 2012 initiative).

Application No: **PA/11/01409**
Site: **Block D Former St Andrews Hospital (Phase 1a) Devas Street.**
Development: **Display of 2 advertisement hoardings with external overhead floodlights on the north and south elevation of Block D St Andrews Walk**
Council Decision: **Refuse (delegated decision)**
Start Date **26 September 2011**
Appeal Method **WRITTEN REPRESENTATIONS**

- 4.5 Barratt Housing are currently constructing the next phase of the St Andrews Hospital redevelopment and these proposed adverts are proposed to be displayed on the north and south elevations of the building – as it building is constructed. Advertisement consent was refused on grounds of visual impact, due to its excessive scale, not appropriate to the character of a predominantly residential area.

Application No: **PA/11/01494**
Site: **605 Commercial Road London E14 7NT**
Development: **Retention of internally illuminated 48 sheet advertisement hoarding**
Council Decision: **Refuse (delegated decision)**
Start Date **23 September 2011**
Appeal Method **WRITTEN REPRESENTATIONS**

- 4.6 Advertisement consent was refused on grounds of visual impact, with the advert being over dominant, introducing a discordant feature into the street scene, detracting from the York Square Conservation Area.

Application No: **PA/11/01324**
Site: **75 Commercial Street**
Development: **Continued display of an advertisement hoarding**
Council Decision: **Refuse (delegated decision)**
Start Date **23 September 2011**
Appeal Method **WRITTEN REPRESENTATIONS**

- 4.7 Advertisement consent was refused on grounds of visual amenity.

Application No: **PA/11/01324**
Site: **159-161 Bethnal Green Road**
Development: **Change of use of 161 Bethnal Green Road to hot food take-away, including new shop front, extract flue and space for the parking of delivery mopeds.**

Council Decision:
Start Date
Appeal Method

Refuse (delegated decision)
9 September 2011
WRITTEN REPRESENTATIONS

- 4.8 Planning permission was refused on grounds of over-concentration of A5 uses, detrimental to the impact on neighbouring residential occupiers (linked to the desire to adopt healthy lifestyles), inappropriate ducting arrangements, failing to reflect the design of the host building and detracting from the conservation area and amenity issues associated with moped parking and delivery activities associated with home delivery service. The application also provided insufficient details as regards servicing arrangements.

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