



Meeting of the

DEVELOPMENT COMMITTEE

Wednesday, 16 November 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, 16 November 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 19th October 2011.

3 - 14

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. **15 - 16**

The deadline for registering to speak is **4pm Monday 14th November 2011.**

6. DEFERRED ITEMS

Nil items. **17 - 18**

7. PLANNING APPLICATIONS FOR DECISION 19 - 20

7 .1 Regents Wharf, Wharf Place, London E2 9BD (PA/11/00834) 21 - 36 Bethnal Green North

7 .2 Land at North-west corner of Chapel House Street and Westferry Road, London, E14 (PA/11/01796) 37 - 54 Millwall

7 .3 Sotherby Lodge, Sewardstone Road, London , (E2 9JQ PA/11/01592 & PA/11/01593) 55 - 70 Bethnal Green North

7 .4 40-50 Southern Grove, London E3 4PX (PA/11/01919) 71 - 76 Mile End East

8. OTHER PLANNING MATTERS

8 .1 Planning Appeals Report 77 - 82

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, 19 OCTOBER 2011

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

Members Present:

Councillor Helal Abbas (Chair)

Councillor Shiria Khatun (Vice-Chair)

Councillor Marc Francis

Councillor Kosru Uddin

Councillor Craig Aston

Councillor Tim Archer

Councillor Ann Jackson

Other Councillors Present:

Officers Present:

Ila Robertson	– (Applications Manager Development and Renewal)
Richard Murrell	– (Deputy Team Leader, Development and Renewal)
Pete Smith	– (Development Control Manager, Development and Renewal)
Fleur Brunton	– (Senior Lawyer - Planning Chief Executive's)
Matthew Lawes	– (Senior Engineer - Development)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)

1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Helal Uddin for whom Councillor Ann Jackson was deputising and Councillor Md. Maium Miah.

It was also reported that Councillor Tim Archer would be deputising for Councillor Craig Aston for item 6.1 of the agenda (St David's Square, Westferry Road, E14 (PA/10/2786))

2. DECLARATIONS OF INTEREST

Councillor	Item(s)	Type of interest	Reason
Shiria Khatun	7.1	Personal	Ward Member.
Craig Aston	7.3	Personal	Resident of Manchester Road.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 14th September 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**6.1 St David's Square, Westferry Road, E14 (PA/10/2786)**

Pete Smith (Development Control Manager, Planning) introduced the report

concerning St David's Square, Westferry Road.

It was reported that at the last meeting, the Committee resolved not to accept officer's recommendation to refuse the application due to the levels of crime in St David's square.

In response, Councillor Tim Archer, seconded by Councillor Marc Francis, moved an amendment to the reasons for approval as set out below to more accurately represent the Committees views. This was unanimously agreed.

- Deletion of the word 'perceived' in the second sentence.
- Insertion of the words 'Anti Social Behaviour' in the second sentence to read 'levels of crime and Anti Social Behaviour'.

On a unanimous vote the Committee **RESOLVED**

1. That planning permission be **GRANTED** for the erection of entrance gates to Westferry Road, Ferry Street and Thames Walkway together with associated walls to perimeter estate for the reasons set out in the circulated report as amended, namely that:

"The proposal to introduce security measures at the site are considered necessary due to the levels of crime and Anti Social Behaviour 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."

2. That the Head of Planning and Building Control is delegated power to impose conditions on the planning permission to secure the matters set out in the circulated report.

(Councillors Ann Jackson and Craig Aston refrained from voting on the application due their absence from the 14th September 2011 meeting in accordance with 11.4 of the Development Committee Procedure Rules)

7. PLANNING APPLICATIONS FOR DECISION

7.1 249/251 East India Dock Road (PA/11/01717)

Pete Smith, (Development Control Manager) introduced the report concerning 249/251 East India Dock Road.

The Chair then invited registered speakers to address the meeting.

Paul Doeman spoke in objection. His property adjoined the Church and shared a wall with it. When previously on this site, the Church held large events triggering complaints about noise, late night disturbance and traffic in the streets. The increase in visitors would exasperate these problems even further. There would be loud music, an excessive number of visitors causing

disturbance. The Church shared walls with other residential properties so they were particularly sensitive to noise from the Church. There was a 122 signature petition in objection. The sound proofing installed was ineffective as the neighbours could still hear noise from the Church and this was before this extension had been granted.

Mr Ronald Faires also spoke in objection. The Church adjoined his flat and hosted large events audible through his walls. There had been accidents in the surrounding streets. Increasing the visitor capacity to 250 would make these existing problems far worse. There would be noise at night from people leaving, increased traffic and parking from the additional visitors. The proposed sound proofing was inadequate. The Church had breached its conditions on a number of occasions. For example, in October 2011 one of its services finished at 12:45am resulting in many people leaving at this time.

In response to Members, Mr Faires stated that there had been two incidences (since this October) of visitors leaving after the permitted hours.

Mr Michael Johnson spoke in favour of the application as the architect for the scheme. He outlined the planning history. In relation to Condition 5 the Applicant was actually willing to limit the end hours to 10pm on Sunday and certain other days contrary to the report. They were also willing to withdraw their application to change condition 2 regarding the control of noise. The Applicant had submitted an acoustic report showing how the noise concerns would be addressed. However his consultants were denied entry to the adjoining properties so it could not be properly completed. He expressed confidence in their sound proofing measures and felt that full sound proofing would be achieved. He referred to the transport and traffic assessment. Their experts say that parking levels were sufficient. The travel plan also sought to minimise any traffic. A traffic manager would be appointed to control traffic. Most of the visitors were local and there was enough parking available within a reasonable walking distance from the site. If refused it could displace the congregation elsewhere creating additional traffic on the roads. The applicant had taken steps to address the concerns. The application should be granted.

In reply to Members, he confirmed the proposed opening hours. He was happy to limit the closing hours to 10pm on Friday Saturday Sunday and Monday whereas at the moment they have permission for 6 days per week. The Church had actively tried to engage with the residents.

Ms Robertson (Applications Manager, Planning Services) presented the application to vary the planning application. Ms Robertson explained the details of the proposal as set out in the report and the reasons Officers were recommending it for refusal. The proposal was to increase the number of visitor to the Church from 50 to 250 and to extend the hours of operation and vary a condition controlling noise. She also explained the planning history and the record of noise complaints. Attention was drawn to the consultation outcome and the key planning issues. As detailed in the report, the application failed to show how it would mitigate the negative impacts and it breached policy. Officers had assessed the Travel Plan, however disagreed with the finding that the parking provision at the location could accommodate the

scheme. It was feared that it may increase existing parking problems in the area.

In reply to Members, Officers explained the access routes, the nature of the noise complaints and the parking objections.

On a unanimous vote the Committee **RESOLVED**

1. That planning permission be **REFUSED** for the 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 for the reasons set out in the circulated report.

As per the application, the proposed variations were:

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
Friday : 10am to 12am (midnight)
Saturdays: 10am to 11pm and;
Sundays 11am to 11pm.

and as amended prior to determination

Friday, Saturday, Sunday, Monday: 10am to 10pm.

7.2 Carriageway adjacent to 2-108 Telegraph Place, Spindriff Avenue, E14 PA/11/001655

Mr Richard Murrell (Deputy Team Leader, Planning Services) gave a general presentation on the Transport for London (TFL) cycle hire scheme. The presentation covered the aims of the scheme being rolled out across Tower Hamlets. He explained the number of approved and proposed docking stations in the Borough, their location and the criteria for selecting sites. He also outlined the key planning matters that were taken in account in considering such schemes.

Pete Smith, (Development Control Manager) introduced the report concerning the Carriageway adjacent to 2-108 Telegraph Place, Spindriff Avenue.

The Chair then invited registered speakers to address the meeting.

Conor Naughton spoke in objection to the proposal. Of the 54 residents notified 50 had submitted objections and there was a petition against with 49 signatures. The highway was narrow and the docking station would take up a disproportionate amount of the highway. It would increase traffic congestion, and obstruct traffic (including emergency vehicles) especially when there was a bus at the bus stop. The parking spaces were not well used but there was regular traffic flow and this was a bus route. It also would adversely affect sight lines and cause an obstruction contrary to policy. The alternative site in Mudchute should be considered instead which complied with the criteria.

Katarina Safai spoke in objection. She expressed concern at loss of privacy (from people coming in from elsewhere), noise nuisance and amenity impact on residents. There would be cycle bays under residents windows. Bikes would need to be restocked and maintained 24hrs per day. There had been many incidences of people causing trouble in the avenue. This would increase nuisance behaviour. It would also impact on property values and breach human rights. Consideration should be given to the alternative site in Mudchute more suited to this proposal.

Councillor Zara Davis also spoke in objection. Whilst supporting the scheme in principle, she felt that this scheme was inappropriate for the area. It would be built into the middle of the road taking up half the left hand lane. Therefore it would be barely possible for vehicles to pass through. They would have to veer onto the other side of the road to pass oncoming traffic. Furthermore when a bus was stopped at the bus stop, it would be impossible for vehicles on the side of the docking station to pass by. It would therefore affect the journey times of buses. It was the only access road for 3 housing estates and also provided access to several other housing estates. Therefore would adversely affect many residents. The scheme should be moved to the Mudchute DLR site and this was much more suitable.

Nick Chester spoke on behalf of the applicant. He explained the reasons for choosing this site and the amendments to improve the scheme. TFL had conducted Road Safety Audits and no safety issues were raised. He referred to the plans for the Mudchute site, an extra site in addition to this. Both stations were required to create an appropriate number of docking spaces to facilitate the scheme. In relation to crime, TFL took these concerns very seriously and have implemented schemes to address this. Should it become a problem at the site, steps would be taken to address this. The crime figures showed that there had been a low incidence of crime across all docking stations in London since the schemes launch.

In reply to questions, Mr Chester clarified the width of the current parking bays and that of the docking station. The station would be situated at an angle to the road and be located on the highway as per most stations. Cyclists would reverse onto the carriageway in taking the cycles out.

Mr Richard Murrell presented the detailed report. He explained the proposal and the amendments to mitigate the concerns. He commented on the number of objections including a petition against the scheme. He also explained the

design, the location of the bus stop and that traffic levels on the avenue were relatively low. He also addressed the loss of car parking spaces; (mitigated by the low levels of use and the contribution to a more sustainable form of transport). He also explained the impact on passing traffic. The width of the road was sufficient to allow traffic to pass along the highway even with the installation of the docking scheme. The overall impact of the scheme in terms of the key issues was considered acceptable and should be granted.

In response, questions were raised regarding the angle onto the highway and conflict with the bus stop. Assurances were sought that there would be adequate space for large vehicles to pass by when there was a bus waiting at the bus stop. Mr Murrell clarified that larger vehicles would have to wait if a bus was at the stop, though a car could probably get past. Other questions covered: safety issues in vehicles having to pass around the station; cyclists reversing onto the highway; the impact on servicing routes for supermarkets; the timetable and the content of the Road Safety Audits particularly whether Officers had seen and were happy with their content, how the Council could influence them should they see fit.

In reply Mr Murrell confirmed the length of clear carriageway and that according to Highways, it would allow vehicles to pass through safely. It was unlikely that servicing vehicles would pass through this road favouring larger routes. Mr Murrell expressed confidence in the safety reports (reviewed by the Council's highways experts) revealing no issues. The station would be clearly visible from the highway from a long distance away.

Mr Murrell showed a map of proposed and existing docking stations in the Borough including the nearest docking stations.

Councillor Marc Francis seconded by Councillor Shiria Khatun proposed an additional condition 'That the Stage 3 Road Safety Audits (as referred to in circulated report) be undertaken and reported back to the Council within 3 months of first use of the scheme'. On a vote of 3 in favour 0 against and 3 abstentions this amendment was carried.

On a vote of 4 in favour and 3 against (with the Chair casting a second vote in favour) the Committee **RESOLVED**

1. That planning permission be **GRANTED** for the installation on the carriageway of a Barclays Cycle Hire docking station, containing a maximum of 40 docking points for scheme cycles plus a terminal subject to the conditions set out in the circulated report AND that the Stage 3 Road Safety Audits be undertaken and reported back to the Council within 3 months of first use of the scheme.
2. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the circulated report.
3. Any other planning condition(s) considered necessary by the Corporate Director of Development & Renewal.

7.3 Carriageway adjacent to Jubilee Crescent, Manchester Road, E14 PA/11/01667

Update Report tabled.

Pete Smith (Development Control Manager) introduced the report and update concerning Carriageway adjacent to Jubilee Crescent, Manchester Road.

Mr Richard Murrell (Deputy Team Leader, Planning Services) presented the detailed report. He explained the outcome of the consultation and the main issues raised in objection. He addressed the main planning matters regarding the principle of the scheme, highways and amenity. The scheme was considered satisfactory on all these ground and should be granted.

Questioned were then raised which were answered by Mr Murrell concerning the speed limit and the width of Manchester Road; the number of accidents on the road; the distance between the station and the nearby transport links; the projection into the road and the need for scheme at this location. It was noted that the aim of the scheme was to provide a good coverage of docking stations across the Borough. The choice of location would facilitate this.

Councillor Marc Francis seconded by Councillor Ann Jackson proposed an additional condition 'That the Stage 3 Road Safety Audits (as referred to in report) be undertaken and reported back to the Council within 3 months of first use of the scheme'. On a unanimous vote this amendment was carried.

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

1. That planning permission be **GRANTED** for 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 subject to conditions set out in the circulated report AND That the Stage 3 Road Safety Audits be undertaken and reported back to the Council within 3 months of first use of the scheme.
3. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the circulated report.
4. Any other planning condition(s) considered necessary by the Corporate Director of Development & Renewal.

7.4 Carriageway adjacent to 367 -377 Jamaica Street, E1 PA/11/01838

Pete Smith, (Development Control Manager) introduced the report concerning the Carriageway adjacent to 367 -377 Jamaica Street.

Mr Richard Murrell (Deputy Team Leader, Planning Services) presented the detailed report.

Questions were raised regarding the proximity of the scheme to the road corner and residential properties; the possibility of screening to protect residential amenity and loss of car parking bays.

In response Mr Murrell confirmed the distance between the terminal and the end of the road corner. Highways Engineers had looked at this matter and considered that it was not of significant concern.

Mr Murrell also outlined the difficulties in creating screening to protect amenity. Besides there was a substantial distance between the properties and the docking station. There would be loss of 3 car parking bays. However there was sufficient parking available in the area.

On a unanimous vote the Committee **RESOLVED**

1. That planning permission be **GRANTED** for 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 subject to conditions set out in the circulated report.
2. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the circulated report.
3. Any other planning condition(s) considered necessary by the Corporate Director of Development & Renewal.

7.5 Footway adjacent to 44-101 Hughes Mansions, Selby Street, E1 PA/11/01329

Pete Smith, (Development Control Manager) introduced the report regarding Footway adjacent to 44-101 Hughes Mansions, Selby Street.

Mr Richard Murrell (Deputy Team Leader, Planning Services) presented the detailed report. He explained the issues raised in consultation and the amendments to improve the scheme. The scheme complied with policy and should be granted. In reply to Members, Mr Murrell confirmed the nature of the surrounding area and the width of the remaining pavement which was 2.5 metres as per the report.

In relation to the need for this scheme, Mr Murrell referred to the map showing coverage in the Borough. Whilst there were a number of docking stations in the area, there was a real need for this station to the meet localised need. It would serve as a transport replacement for local people.

On a unanimous vote the Committee **RESOLVED**

1. That planning permission be **GRANTED** for 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 subject to the conditions set out in the circulated report.
2. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the circulated report.
3. Any other planning condition(s) considered necessary by the Corporate Director of Development & Renewal.

7.6 21 Plumbers Row, London, E1 1EQ PA/11/00505

Update Report Tabled.

Pete Smith (Development Control Manager) introduced the report and update concerning 21 Plumbers Row, London.

Ms Ila Robertson (Applications Manager Planning) presented the detailed report. She showed the views from the existing building and the proposed scheme. She also reported the outcome of the consultation generating 21 objections. She addressed the main planning issues regarding impact on amenity of surrounding area and design and layout of development. The scheme was considered acceptable on all these grounds. In terms of loss of light the scheme complied with BRE guidance with no loss to light to neighboring properties. There were measures to prevent overlooking and protect amenity. It would be a car free development.

Clarify was sought regarding overshadowing to the adjacent roof terraces, parking stress at night, bulk and height; the relevance of the Council's affordable housing policy in this instance and the impact on visibility.

Ms Robertson addressed each point. In relation to the neighboring properties, all windows assessed comply with BRE guidance. There would be very good levels of sunlight to the roof terraces with minimal loss of light. In relation to parking stress, Highway Services had assessed the scheme and had no objections in this respect. It would be visually in keeping with the area and there would be no impact from the height. Officers also outlined the Council's Policy for affordable housing and why these policies were not triggered by this scheme.

On a vote of 5 in favour 0 against 1 abstention the Committee **RESOLVED**

1. That planning permission be **GRANTED** for 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 subject to:

2. That the Corporate director of Development and Renewal is delegated power to impose conditions [and informatives] on the planning permission to secure the matters set out in the circulated report.

8. OTHER PLANNING MATTERS

8.1 Appeal Report

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

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

RESOLVED

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

9. ILA ROBERTSON

It was noted that this would be last meeting of the Committee Ila Robertson would be attending as she was leaving the Authority. The Committee thanked Ms Robertson for her many presentations and advice to the Committee over recent years and wished her well for the future.

The meeting ended at 9.10 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: 16 th November 2011	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Deferred items	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. RECOMMENDATION

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

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

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

Tick if copy supplied for register

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

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Agenda Item 7

Committee: Development	Date: 16 th November 2011	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley Service Head, Planning & Building Control		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. FURTHER INFORMATION

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

3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

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

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

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

Tick if copy supplied for register:

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

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

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

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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

Agenda Item 7.1

Committee: Development Committee	Date: 16 th November 2011	Classification: Unrestricted	Agenda Item Number: 7.1
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Angelina Eke	Ref No: PA/11/00834
	Ward: Bethnal Green North

1. APPLICATION DETAILS

Location: Regents Wharf, Wharf Place, London E2 9BD
Existing Use: Lower ground floor car parking area.
Proposal: Erection of a new one bedroom dwelling within part of the basement parking area.

Drawing No's/Documents: 191-PI-01(ZA); 191-PI-02(ZA); 191-PI-03(ZA); 191-PI-04(ZA); 191-PI-05(ZA); 191-PI-06(ZA); 191-PI-07(ZA); 191-PI-08(ZA); Design and Access Statement plus Impact Statement, prepared by Gridline

Applicant: Lord H Selman
Ownership: Lord H Selman and 24 listed leaseholders.
Historic Building: N/A
Conservation Area: Regents Canal

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 (1) The loss of off-street basement car-parking is acceptable as there is considered to be adequate remaining provision, and because the loss of car-parking broadly accords with the aim of Core Strategy policy SP09, which seeks to promote sustainable modes of transport.

(2) The creation of an additional residential unit on this site accords with the aim of Core Strategy (2010) policy SP02 and policies 3.3 and 3.4 of the London Plan 2011, which seek to encourage housing supply through optimising the use of under utilised sites for housing.

(3) The development would have no significant detrimental impacts on the amenity of surrounding occupiers in terms of increased overlooking, loss of amenity space or increased disturbance. The proposal therefore accords with policy SP10 of the Core Strategy (2010), saved policy DEV2 of the Unitary Development Plan (1998) and policy DEV1 of the Council's Interim Planning Guidance (2007), which all seeks to safeguard the amenity of surrounding neighbours.

(4) The proposed one bed flat would offer an acceptable standard of accommodation for future occupiers and as such accords with policy 3.5 of the London Plan 2011 and SP02 of the Core Strategy 2010, which seek to ensure quality in new housing.

(5) The external alterations, including new windows and staircase, are appropriate in terms of design and materials to the canal-side setting of the site. The proposal would preserve the character of the Regents Canal Conservation Area and would accord with the requirements of LP policy 7.4, Core Strategy policy SP10 and saved UDP policy DEV1, which seek to ensure that development is acceptable in terms of design and appearance.

(6) Transport matters, including parking, access and servicing are acceptable and accord with policies 6.1 and 6.3 in the London Plan 2011; saved policies T16 and T18 in the Council's Unitary Development Plan (1998), policies SP08 and SP09 of the Core Strategy Development Plan Document (2010) and policies DEV16, 17 and DEV19 of the Council's Interim Planning Guidance (October 2007), which seek to ensure developments minimise parking and promote sustainable transport options.

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to conditions.

3.2 That the Corporate Director of Development & Renewal is delegated power to impose conditions [and informative] on the planning permission to secure the following:

3.3 Conditions

1. Full planning permission –three year time limit
2. Development to be built in accordance with the approved plans
3. Sample of the proposed external facing materials of the canal elevation
4. A survey of the condition of the waterway wall and method statement for repairs
5. Details of risk assessment and method statement for works adjacent to waterway
6. Car Free Agreement
7. Car parking layout to be provided
8. Details of provision one cycle parking space to be provided
9. Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

4. PROPOSAL AND LOCATION DETAILS

Proposal

4.1 The application seeks to construct a one bedroom flat within part of a basement car parking area serving the existing residential development at Regents Wharf. The flat would be accessed via a new external staircase, which would lead down from a terrace area between the rear of Regents Wharf, and the canal. The flat would have a single aspect overlooking the canal. Three new windows would be installed in place of the existing car-park vents.

Site and Surroundings

4.2 The application site forms part of the basement car park to Regents Wharf, a three storey residential development within a larger complex accessed from Wharf Place.

4.3 Regents Wharf has a long frontage along the Regents Canal. Parts of the upper floors of the Regents Wharf building are stepped back from the canal to form two amenity terrace areas.

4.4 The upper terrace is shared by the occupiers of Regents Wharf. This terrace includes landscaped planting and areas for sitting out, allowing residents to enjoy attractive views across the canal. This terrace also provides pedestrian access to the main entrances of the flats of Regents Wharf.

4.5 At lower level is a smaller terrace, which also appears to be used for sitting out and for barbeques. This lower terrace can be accessed from the upper terrace, or directly from the basement car-park. It appears the terrace can also be used by residents as a convenient way of accessing the basement car-parking.

- 4.6 To the west is a residential development known as Potters Lodge. North of the site is Regent's Canal, with Wharf Place and associated parking to the south. The site is located within the Regent's Canal Conservation Area. The building is not Listed. The Regent's Canal is a Site of Importance for Nature Conservation.
- 4.7 The midpoint of the canal forms the boundary with the London Borough Hackney.
- 4.8 The site also falls within the HSE Consultation Middle Zone due to its proximity to the Bethnal Green Gas Holder.

Planning History

- 4.9 A previous application for a similar development has been considered on this site (LBTH Reference PA/09/2272). This scheme proposed the conversion of two areas of basement car-park to create two flats. Flat One was a single bed unit; Flat Two was a 2 bedroom unit. Flat two is in the same location as the flat which forms part of this proposal. Flat One was located just to the South.
- 4.10 The Council refused the application on 26th April 2010 for two main reasons, which are summarised below:-
- Loss of part of existing communal amenity space for Regent's Wharf development.
 - Unacceptable level of daylight for Flat 2 (This related to the second bedroom, which faced onto an internal corridor, and as such did not have adequate internal light).
- 4.11 The Council also raised concerns about inaccuracies on the plans, the lack of information about Highway requirements and arrangement of the basement car-park.
- 4.12 An appeal was lodged against this decision. The appeal was dismissed by the Secretary of State on 28th January 2011. However, the Inspectors decision letter did not support the Council in all its reasons for refusal.
- 4.13 The main areas of concern identified by the Inspector were:-
- Flat One would be accessed directly from the lower terrace. There would be a conflict between the use of this terrace as an amenity space, and its role as an access to the flat. This would result in an unacceptable standard of amenity for future occupiers of Flat 1, and would compromise the use of the lower terrace as an amenity space.
 - Flat Two would offer an unacceptable standard of accommodation for future occupiers because the smaller bedroom has no external window.
- 4.14 The Inspector considered that:-
- The access arrangements for Flat 2 were unlikely to result in any significant loss of privacy for the occupiers of the existing building.
 - There was no certainty that the space used to accommodate the proposed development would otherwise be used for vehicle parking (noting that it did not necessarily follow that because the space was there, it was available for the exclusive use of residents of Regent's Wharf), and that there was no objection to its loss.
 - the staircase and other alterations would have minimal impact on the character and

appearance of the Regents Canal Conservation Area.

- 4.15 The reasoning given by the Inspector in relation to this appeal is a material consideration that should be given weight in the assessment of the current application. A full copy of the appeal decision is included at Appendix One.
- 4.16 The current scheme seeks to overcome the reasons identified by the Inspector for dismissing the previous appeal.
- 4.17 The main differences between the previous scheme, and the current application are:-
- Complete removal of the one bedroom flat. This overcomes the potential loss of the use of the lower amenity deck, and the conflict between the use of the lower amenity terrace and the entrance to Flat One.
 - Removal of 2nd bedroom from Flat 2. This ensures that all habitable rooms benefit from an external window, and thus an acceptable standard of accommodation.

Other relevant planning decisions include:-

- 4.18 BG/90/00234 Erection of three storey building comprising 20 no. flats with car parking in basement and on street level - granted 7th November 1991.

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:

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

3.3	Increasing housing supply
3.4	Optimising housing potential
3.5	Quality and design of housing developments
6.3	Addressing effects of development on transport capacity
6.9	Cycle/Walking
7.4	Local character
7.3	Designing out crime
7.15	Reducing noise and enhancing soundscape
7.30	London's canal's and other rivers and water spaces

Adopted Core Strategy (2010)

Policies:	SP02	Urban living for everyone
	SP09	Creating attractive and safe streets and spaces
	SP08	Making connected places
	SP10	Creating distinct and durable places

Unitary Development Plan 1998 (as saved September 2007)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV9	Control of Minor Works
	DEV27	Alterations works within a conservation area
	DEV12	Provision Of Landscaping in Development
	DEV50	Noise
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	HSG7	Dwelling Mix and Type

HSG13	Internal Space Standards
HSG16	Housing Amenity Space
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T19	Parking for Motor Vehicles and Planning Standard 3: Parking

Interim Planning Guidance for the purposes of Development Control

Policies:	DEV1	Amenity
	DEV2	Design
	DEV15	Waste and Recycling Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV19	Parking for Motor Vehicles
	HSG2	Housing Mix
	CON2	Conservation areas

Supplementary Planning Guidance/Documents

SPG:	Residential Standards
SPG:	Designing Out Crime

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS5	'Planning and the Historic Environment '
PPG10	Planning and Waste Management
PPG13	Transport
PPG24	Noise

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

- A better place for living safely
- A better place for living well

6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

London Borough of Hackney

6.3 No objections received

(Health and Safety Executive)(Statutory Consultee)

6.4 Do not advice against the proposed development.

British Waterways (Statutory Consultee)

6.5 No objections subject to conditions to secure a survey of the condition of the waterway wall, a method statement and a schedule of repair works.

Officer comment: Conditions to secure the survey, method statement and schedule of repair works would be imposed on any permission.

Environment Agency (Statutory Consultee)

6.6 No objections received.

LBTH Highways

- 6.7
- Inadequate information has been provided regarding the applicant's intention to re-use the car parking area.
 - Information provided details net gain of 12 spaces - not clear where these will be accommodated and what impacts are envisaged on manoeuvrability for cars following the implementation of the scheme.
 - Cycle parking required.

6.8 *Officer comment: Currently there is no formal demarcation of car-parking spaces within the basement area. A condition would be imposed on any permission requiring details of a car-parking layout to be submitted. This would allow the Authority to ensure that adequate vehicle manoeuvring space is retained. A condition requiring details of cycle parking would also be imposed on any permission.*

7. LOCAL REPRESENTATION

7.1 A total of 66 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 37 Objecting: 37 Supporting: 0

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

7.3 Land Use

- Plenty of new houses in the area
- The proposal will result in an increase in the density of the development resulting in overcrowding.
- The proposal does not comply with the Council's policies

(Officer Comment - This will be dealt with in the land use section of the report)

7.4 Design

- Material change to the canal frontage
- The installation of steel steps with a partial roof will result in an alien form and material to the canal side

(Officer comment – This will be dealt with in the design section of the report)

7.5 Amenity

- Loss of amenity and reduction in the communal garden space/circulation areas
- Inadequate refuse facility
- No increased infrastructure
- Hoarding in the parking area
- The flat in the basement will have flooding
- The installation of steel staircase will result in noise nuisance
- The noise from cars will affect the amenity of the occupant

(Officer comment – This will be dealt with in the amenity section of the report)

7.6 Highways

- Loss of car parking spaces which are in use

(Officer Comment – This will be addressed in the highway section of this report)

7.7 Other Matters:

- Inadequate ventilation and fire safety
- The owner was meant to extend the bin stores, but this has never happened
- There are essential infrastructure/services and access is required to these areas, which will be denied if the flat is built.
- There are implications with regard to Building Control in terms of emergency access and existing ventilation grilles
- Non compliance with Enforcement and breach of conditions notice linked to PA/06/01087 which was never properly complied with.

7.8 *(Officer Comment – It is considered that the provision of ventilation and fire safety measures will be addressed as part of the Building Control application.*

7.9 *In respect of the concern that the previous breach of conditions linked to PA/06/01087, the Council's Planning Enforcement Team has confirmed that the previous enforcement notice relating to the creation of new bin store provision has been complied and the enforcement file related to this issue is now closed.*

7.10 *In respect of the concern that essential infrastructure servicing will be compromised by the proposal, there is no evidence to suggest that this will be the case as the proposal will occupy a small element of the overall car parking space and the servicing arrangements will be retained).*

7.11 The following issues were raised in representations, but they are not considered to be material to the determination of this application:

- The proposal will result in a devaluation of property values.
- The new dwelling is a money making attempt by the developer to increase rental income.

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

- The elevation plans do not accurately depict the existing Regents Wharf building nor do they show all the buildings adjacent to the proposed development, the proposal does not show the western edge of Regents Wharf and therefore it is not possible to assess the impact of flats 13-20 which is adjacent to the new development

7.13 *(Officer Comment: Whilst it is acknowledged that the submitted drawings do not*

accurately show the existing Regents Wharf development, it is considered that the revised information submitted is adequate to assess the planning merits of the proposal. The proposed external changes are confined to the front elevation by the canal edge and do not involve any extensive works to the principle elevation of Regents Wharf.)

- 7.14 • The proposed development is within 150m of Regents Canal and therefore British Waterway is a statutory consultee
- 7.15 (Officer Comment - British Waterways has been consulted and raises no objections to the proposal subject to conditions).

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Loss of car parking
2. Principle of residential use
3. Design
4. Amenity
5. Highways

Loss of car parking

- 8.2 The key objectives of PPG13 'Transport' is to promote the use of alternative modes of travel and to reduce the reliance on travelling by car. This policy aim is reinforced in Policy SP09 of the Core Strategy 2010 (CS) and saved Policy T16 of the Unitary Development Plan (UDP) 1998.
- 8.3 The application site forms part of the existing lower ground floor parking area which forms part of the Regents Wharf development. The application seeks planning permission to convert three of the parking bays immediately adjacent to the canal to create a one bedroom flat. The design and access statement confirms that the existing parking spaces are underused, although this claim has been refuted by local residents objecting to the proposal.
- 8.4 The partial loss of the basement car parking space within the existing residential development is broadly supported in policy terms as the site has good access to public transport. The basement area is not formally laid out with demarcated parking spaces, so it is unclear what the total capacity of the car-park currently is. However, it is clear from the plans that a significant proportion of the existing car-parking would remain. Furthermore the amount of car-parking lost is less than was proposed in the previous appeal scheme, and the Inspector did not raise any objection to its loss.
- 8.5 In overall terms there is no land-use objection to the loss of parking area.

Principle of residential use.

- 8.6 Policies 3.3 and 3.4 of the London Plan (LP) support the increase in housing supply through optimising the development potential of Brownfield sites and utilising alternative delivery mechanisms including through conversions and other windfall sites.
- 8.7 The additional residential unit is acceptable and it would help meet the Council's identified need for housing. Whilst objector concerns have been expressed about the high density nature of the existing housing development, it is considered that the proposal would accord with Policies 3.3 and 3.4 of the LP, Policy SP02 (1c) and SP02 (5a) of the CS and national guidance set out in PPS3, which encourages more effective use of under utilised sites and buildings for new housing.

Design and Impact on Conservation Area

- 8.8 Policy 7.4 in the London Plan specifically states that the Mayor will seek to promote integrated designs for the built environment of high quality. Policy 7.30 of the LP also encourages development proposals along canal networks and other water spaces where such proposals respect their local character and canal setting.
- 8.9 Saved policy DEV1 of the UDP encourages high quality design in all new developments in terms of design, bulk, scale and use of materials. New developments should be sensitive to the site context, harmonizing with the surrounding area, relate to adjacent buildings and appropriate to the development capacity of the site. These objectives are followed through in Policy DEV2 of the Interim Planning Guidance 2007 (IPG) which reinforces the need to use high quality materials and finishes that contribute to the legibility and permeability of the urban environment and enhancement of the area. Furthermore, the design should take into consideration the safety and security of the development.
- 8.10 The character of the area is dominated by its canal side setting. Over the years, older warehouses have been converted into residential use. The area immediately adjoining the application site is residential in character.
- 8.11 The proposal would lead to the removal of the external ventilation grilles on the canal frontage and replacement with three external windows. A new brick stairwell with low profile metal railings would be provided to serve the new unit.
- 8.12 The introduction of the external staircase, and other alterations, are appropriate in the context of the canal setting. A condition would require submission of final details and samples of finishes, and with this safeguard the development would have an acceptable impact on the appearance of the building, and would preserve the character and appearance of the Regents Canal Conservation Area.
- 8.13 British Waterways was consulted on the proposal and have raised no objections subject to conditions regarding a conditions survey of the canal wall, method statement and schedule of works being submitted for detailed approval.
- 8.14 It is considered that the proposal including alteration works to the basement area is acceptable in design and conservation terms and appropriate to the canal setting. As such the proposal would not be out of character in this part of Regents Canal Conservation Area, which accords with saved Policy DEV1, DEV9, DEV27 of the UDP, policy CON2 of the IPG and Policy SP10 of the CS and advice set out in PPS5: 'Planning and the Historic Environment'. These policies seek to ensure that developments are of an appropriate design that is sympathetic to the setting and would preserve and enhance the conservation area.

Amenity

- 8.15 Policy SP10(4) of the CS along with saved policy DEV2 in the UDP and policy DEV1 of the IPG seek to ensure that development where possible protects and enhances the amenity of existing and future residents.

Impact on other existing occupiers

- 8.16 In the previous appeal decision, the Planning Inspector accepted that there would be a degree of privacy loss to east facing windows serving the existing ground floor flats. However, it was noted that windows linked to the ground floor flat already front onto the upper terrace and which enabled residents descending the stairs to see into habitable rooms. The application proposes a new enclosed stairwell to the proposed flat, which would minimise the incidence of overlooking into the east facing rooms. Therefore, whilst the new scheme would introduce a greater level of overlooking over and above which currently exists, it is not considered that the privacy loss would be so significant in order to be a sustainable

ground for the refusal of the current scheme.

- 8.17 The scheme will not have any significant impact on the use of upper and lower amenity terrace areas. The area of space which will become private amenity space for the occupants of the flat does not form part of the main areas of communal amenity space for the existing residents. The loss of this space (approximately 14 square metres) would not result in any significant loss of amenity provision for existing residents, and the development is acceptable in terms of Core Strategy policy SP02 and UDP policy 0S7, which seek to protect open space.
- 8.18 In overall terms the introduction of one additional flat is unlikely to have any significant impacts on the occupiers of existing development in terms of loss of privacy, loss of amenity space, or increased noise or disturbance. The proposal is therefore acceptable in policy terms.

Amenity of Future Occupiers

- 8.19 The proposed one bedroom flat has a floorspace of approximately 60 square metres. The flat is well laid out, and all habitable rooms benefit from adequate natural light and ventilation.
- 8.20 The proposed layout of the one-bedroom flat ensures that all rooms have good access to natural light and ventilation. The proposed flat would benefit from an amenity area (approx. 14sqm) adjacent to the canal. This is considered to offer an acceptable standard of amenity provision for the future occupiers
- 8.21 In overall terms the proposed flat would offer a good standard of accommodation for future occupiers, and would meet the requirements of policy 3.5 of the London Plan SP02 of the Core Strategy, and policies HSG13 and HSG16 of the UDP.

Highways

- 8.22 Policies 6.1 and 6.3 of the LP, seek to integrate transport and development and promote sustainable modes of transport, by encouraging patterns and forms of development which reduce the need to travel by car, and seek to improve walking and cycling capacity.
- 8.23 In respect of local policy, the CS, policies SP08 and SP09 broadly seek to deliver an accessible, efficient and sustainable transport network. UDP saved policy T16 states that the consideration of planning applications will take account of the operational requirements of the proposed use.
- 8.24 Strategic policies SP08 and SP09 of the CS, saved UDP policies T16 and T18 and policies DEV16, DEV17 and DEV19 of the IPG, outline that in respect of new development, consideration should be given to the impact of the additional traffic which is likely to be generated, the need to provide adequate cycle parking and the need to minimise parking and promote sustainable development.
- 8.25 The application site lies within a Controlled Parking Zone wherein parking restrictions apply, it would therefore be appropriate to impose a condition to prevent future occupiers of the proposed development from obtaining a resident's parking permit. This arrangement would ensure that the proposal would not add to pressure on on-street parking spaces, which is acceptable to the Council's Highway Development Team.
- 8.26 The information submitted does not provide a layout of the remaining basement parking area, or detail the proposed use of the rectangular shown to the South of the proposed flat. A condition would be imposed requiring the submission of this detail to ensure that adequate

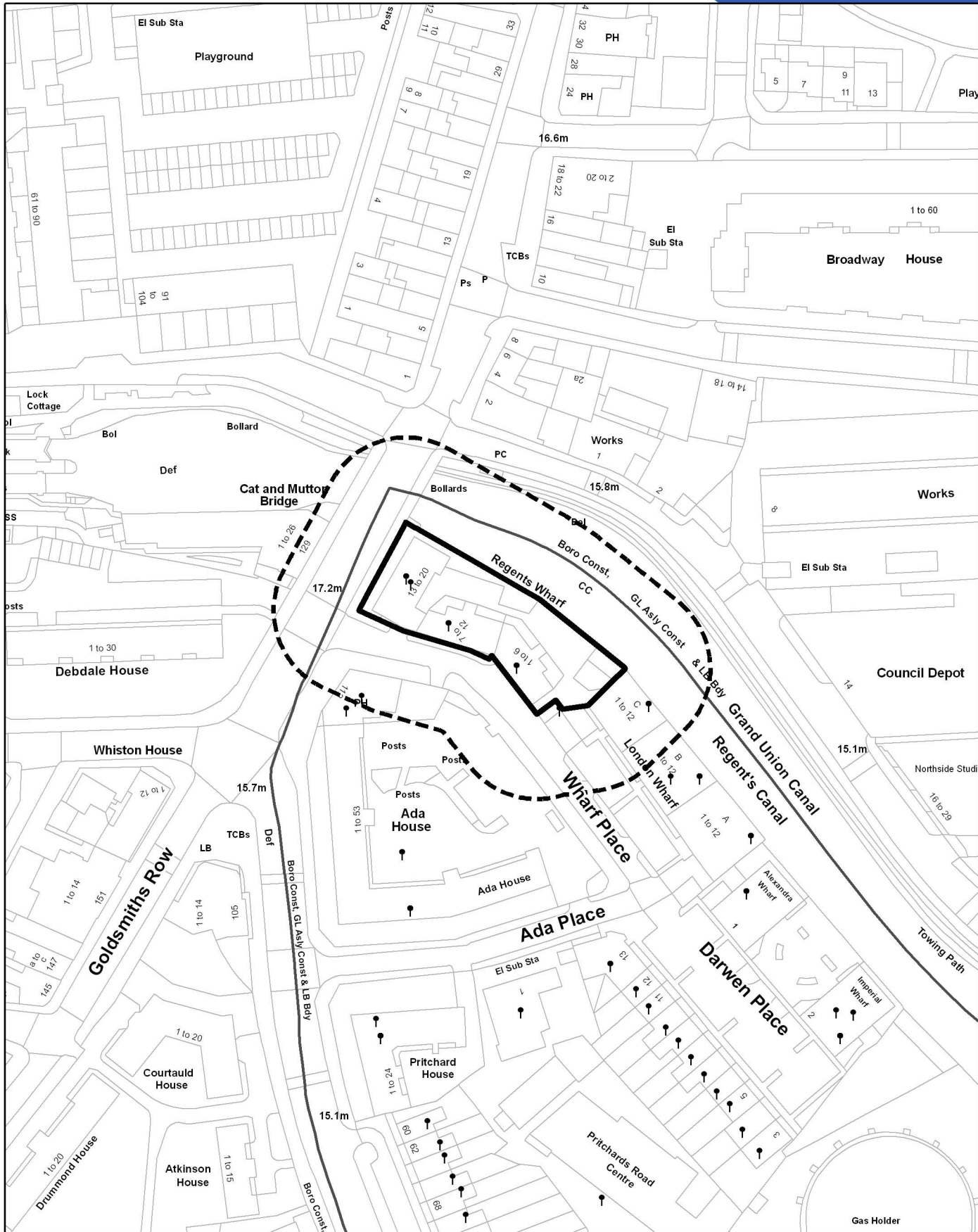
parking and circulation areas are retained.

- 8.27 A condition would also be imposed requiring details of the provision of a cycle parking space for the new development.
- 8.28 Overall, it is considered that the transport matters, including parking, access and servicing, are acceptable and in line with policies 6.1 and 6.3 in the London Plan saved policies T16 and T18 in the Unitary Development Plan, policies SP08 and SP09 of the Core Strategy and policies DEV16, 17 and DEV19 of the Interim Planning Guidance (October 2007), which seek to ensure developments minimise parking and promote sustainable transport options.

Conclusions

- 8.29 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



Appeal Decision

Site visit made on 28 January 2011

by Gary Deane BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 February 2011

Appeal Ref: APP/E5900/A/10/2130061
Regents Wharf, Wharf Place, London E2 9BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Lord H Selman against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/09/02273, dated 22 October 2009, was refused by notice dated 26 April 2010.
 - The development proposed is the erection of 2 new dwellings.
-

Decision

1. I dismiss the appeal.

Procedural matters

2. In September 2010, the Council adopted its Core Strategy (CS), which now forms part of the Development Plan. The Council has advised that CS Policy SO2 has replaced Policy CP25 of its Interim Planning Guidance (IPG), which is cited in the reasons for refusal. I have assessed the proposal on that basis.
3. The elevation plans do not accurately depict the existing Regents Wharf building nor do they show all the buildings adjacent to the proposed development. Moreover, the windows and doors of the existing Regents Wharf building are not shown on the block plans. I have taken into account these inaccuracies and omissions in assessing the proposal, which is based on all of the evidence before me, including my inspection of the site and its surroundings.
4. For convenient reference and to be consistent with the evidence, I refer to the proposed 1-bedroom dwelling as flat 1 and the 2-bedroom dwelling as flat 2.

Main issues

5. The main issues are the effect of the proposal on, firstly, the living conditions of the occupiers of Regents Wharf, with regard to communal amenity space and privacy; secondly, the living conditions of the future occupiers of flat 2 in terms of outlook and light; and thirdly, vehicle parking and highway safety.

Reasons

Living Conditions of the Occupiers of Regents Wharf

6. Regents Wharf is a substantial, 3-storey building in residential use that lies adjacent to Regents Canal, which is a Conservation Area. The proposal would erect 2 dwellings within the basement car park of Regents Wharf. On top of the basement, there is an outdoor amenity area (the upper terrace) the use of which is shared between the occupiers of Regents Wharf. The upper terrace includes landscaped planting and areas for sitting out with attractive views across the canal. It also provides pedestrian access to the main entrances of the flats of Regents Wharf. Adjacent to the canal side, is a smaller, lower level terrace (the lower terrace) that appears to be used for sitting out and barbecues. It is accessed from the upper terrace (above) and the basement car park (below) each by a short flight of steps. As such, the lower terrace also forms part of the route that appears to be a convenient way for occupiers of Regents Wharf to access their flats from the basement car park.
7. Flat 1 would be accessed off the lower terrace with its entrance door opening out directly onto this space. This proposed arrangement would create an awkward relationship with the use of the lower terrace since, to my mind, people would be reluctant to gather together, sit out or have barbecues, with the associated noise and disturbance that could result from these activities, so close to the entrance of a residential unit. This reluctance would effectively lead to the loss of some, if not all, of the lower terrace as a place for people to congregate and converse resulting in a significant reduction in its amenity value.
8. As circulation space, the use of the lower terrace would continue to be largely unaffected by the proposal. As people would be likely to pass by the proposed entrance of flat 1 rather than gather together close to it, I see no obvious conflict with this function. Equally, the use of the terrace as circulation space would not necessarily inhibit its use or diminish its value in amenity terms since passers by would be expected as part of the normal comings and goings of people. That relationship is quite different to the defensible space that users of the terrace would perceive immediately in front of the entrance to a dwelling. That the lower terrace is modest in size, lacks landscaping and is hard surfaced does not, in my opinion, diminish its value to existing occupiers as a pleasant place in which to sit outside and to gather with others. While local parks are within a reasonable walking distance of Regents Wharf, these would not be as convenient or necessarily an appropriate alternative to the use of the lower terrace.
9. Despite the inaccuracies and omissions of the plans, it was clear from my inspection of the site and its surroundings that there would be some loss of privacy to a ground floor flat of Regents Wharf through the use of the proposed external stairs to access flat 2. People descending the stairs would be able to see into the east-facing ground floor windows of the flat that would face these steps. However, the proposed roof enclosure over these stairs would restrict the view from this position towards these windows. Moreover, some windows of the ground floor flats front onto the upper terrace thereby potentially allowing its users to see into those rooms. In those circumstances, I consider

that the proposal would not cause an undue loss of privacy for the occupiers of the flats within Regents Wharf.

10. Notwithstanding my findings on this latter point, I conclude that the proposal would result in the loss of part of the existing communal amenity space for the occupiers of Regents Wharf, in conflict with UDP Policy OS7 and CS Policy SPO2. These policies aim to ensure that new housing is appropriate and that development does not result in the loss of private open space that has significant recreation or amenity value.

Living Conditions of the Future Occupiers of Flat 2

11. The smaller of the 2 bedrooms of flat 2 would be modest in size and have no external window. Little light would reach this room from the window within the adjacent corridor due to its position at an oblique angle to the bedroom door. As a result, the outlook from, and the light reaching to, this bedroom would be unacceptably poor causing this living space to feel claustrophobic and uninviting. I accept that future occupiers of flat 2 are unlikely to include families, given its modest size, and that the smaller bedroom may also be suited for use as a study and for occasional overnight guests. These matters do not diminish the harm that would be caused to the living conditions of future occupiers. I see no obvious reason to impose a condition to require the construction details of the corridor window as the harm that I have identified relates to the absence of an external window within the smaller bedroom.
12. I therefore conclude that flat 2 would not provide satisfactory living conditions for its future occupiers, in conflict with Policy DEV2 of the Tower Hamlets Unitary Development Plan (UDP) and IPG Policy DEV1. These policies seek to ensure that, amongst other things, development protects or improves the amenity of residential occupiers.

Vehicle Parking and Highway Safety

13. The appellant has advised that the proposed development would occupy about 11 vehicle parking spaces. These spaces are not currently used for vehicle parking nor, on the evidence before me, are they allocated specifically for the use of the Regents Wharf occupiers. In those circumstances, there is no certainty that the space lost to accommodate the proposed development would otherwise be used for vehicle parking. Even if that were not the case, and the site was used for parking, there is no detailed evidence before me to indicate that these spaces would be made available for use by the occupiers of Regents Wharf or other nearby buildings. Moreover, the Council acknowledges that the re-use of under-utilised car parking for residential development is broadly supported.
14. The appellant has confirmed that no additional off-street vehicle parking is proposed. As the site lies within a Controlled Parking Zone wherein parking restrictions apply, it would therefore be appropriate to impose a condition to prevent future occupiers of the proposed development from obtaining a resident's parking permit. This arrangement would ensure that the proposal would not add undue pressure on on-street parking spaces. Consequently, the matter of vehicle parking should not, in itself, significantly weigh against the appellant's case.

15. There is little detailed information on the likely effect of the proposal on the local highway network. However, I doubt that the additional vehicle movements from 2 modest-sized flats within a larger residential scheme with good public transport connections would be so great as to cause significant problems in terms of highway capacity or safety.
16. Overall, I conclude that the proposal would be acceptable in terms of vehicle parking and highway safety. It would comply with UDP Policy T16, which seeks to ensure that the operational requirements of the proposed use and the impact of traffic likely to be generated are acceptable. These findings do not outweigh the harm that I have identified with regard to the living conditions of existing and future residential occupiers.

Other matters

17. The proposal would remove the external ventilation grilles along the wall of the site that faces the canal. This change, coupled with the proposed new windows along this wall and the new external staircase to serve flat 2 would not be out of keeping with the broad appearance of buildings along this stretch of the canal. These elements of the proposal would have a minimal effect on the character and appearance of the Regents Canal Conservation Area, which would be preserved.
18. Interested parties raise several additional objections to the proposal. These principally include flood risk, energy efficiency, over-crowding, potential disturbance during construction, overdevelopment, lack of cycle storage, refuse disposal, fire safety, potential noise and disturbance, and the use and ventilation of the basement car park. These are all important matters and I have taken into account all the evidence before me. However, given my findings with regard to the living conditions of existing and future residential occupiers, these are not matters upon which my decision has turned.

Conclusion

19. I have had regard to all other matters raised including the representation in support of the proposal, the credentials of the site as a sustainable location for housing, and the positive contribution that the proposal would make to the stock of new housing. However, these matters are not sufficient to outweigh the harm that I have identified. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR

Agenda Item 7.2

Committee: Development Committee	Date: 16 th November 2011	Classification: Unrestricted	Agenda Item No: 7.2
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Mandip Dhillon		Ref No: PA/11/01796	
		Ward(s): Millwall	

1. APPLICATION DETAILS

Location: Land at North-west corner of Chapel House Street and Westferry Road, London, E14

Existing Use: Vacant/Brownfield site.

Proposal: Erection of three storey building to provide 8 self contained residential units (5 x 1 bed, 2 x 2 bed and 1 x 3 bed) together with cycle parking, private amenity space and improvements to existing public open space.

Drawing No's: 041 rev A, 042 rev A and 043 rev A.

Supporting documentation

Planning and Impact Statement dated July 2011
Design and Access Statement dated July 2011
Building Materials dated July 2011
Aboricultural Impact Assessment dated 26 April 2011
Sustainability statement ref 48220 issue 2
Energy statement ref 48220 issue 2
Flood Risk Assessment dated 8 July 2011
Flood risk Mapping and Data Management Model Review dated 18 October 2011
Report on the Availability of Natural Daylighting and Sunlighting dated May 2011

Applicant: East End Homes

Owner: East End Homes

Historic Building: None.

Conservation Area: Not in a Conservation Area

Other designations: Application site is within a Flood Protection 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:

1. The proposal provides an increase in the supply of housing and has an acceptable density and mix of units. As such, the proposal is in line with policies 3.4 and 3.5 of the London Plan 2011, saved policies HSG7 of the Unitary Development Plan 1998,

policies HSG1 and HSG2 of the Interim Planning Guidance 2007, objective S07 and policy SP02 of the Core Strategy September 2010 and national planning guidance contained in PPS3, which seek to encourage new housing and ensure that new developments offer a range of housing choice.

2. The density of the scheme does not result in any of the significant adverse impacts typically associated with overdevelopment and is therefore acceptable in terms of policy 3.4 of the London Plan 2011, saved policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), policy SP02 of the Core Strategy 2010 and policies HSG1, DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development is sensitive to the capability of a site and that it does not have an adverse impact on neighbouring amenity.
3. The impact of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure is acceptable given the urban context of the site and as such accords with saved policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), policy SP10 of the Core Strategy 2010 and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development does not have an adverse impact on neighbouring amenity.
4. The building height, scale, bulk, design and relationship of the proposed development are acceptable and accord with policy 3.5 of the London Plan 2011, policies DEV1, DEV2 of the Council's Unitary Development Plan (1998) and policies DEV1, DEV2, DEV3 and DEV4 of the Council's Interim Planning Guidance (2007) and policy SP10 of the Core Strategy 2010, which seek to ensure buildings are of a high quality design within the borough.
5. Transport matters, including parking, access and servicing, are acceptable and accord with policies 6.1, 6.3, 6.9, 6.10 and 6.13 of the London Plan 2011, saved policies T16 and T18 of the Council's Unitary Development Plan (1998), policy SP09 of the Core Strategy 2010 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which seek to ensure developments minimise parking and promote sustainable transport options.
6. Sustainability matters, including energy, are acceptable and accord with policies 5.2 and 5.7 to 4A.7 of the London Plan 2011, policy SP11 of the Core Strategy 2010 and policies DEV 5 to DEV9 of the Council's Interim Planning Guidance (2007), which seek to promote sustainable development practices.

3. RECOMMENDATION

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

Conditions:

Conditions

1. Time Limit – 3 years
2. Compliance with plans and documents
3. Car and permit free agreement
4. Submission of contamination report
5. Cycle parking to be provided as shown on drawing no 42 rev A
6. Contaminated land survey

7. External facing materials to be provided in accordance with the details submitted with the application
8. Detail of landscaping and scheme of proposed communal lighting, Landscape Maintenance and Management Plan specifying the use of native species.
9. Construction Management Plan
10. All residential accommodation to be completed to lifetimes homes standards plus at least 10% wheelchair accessible
11. Implementation of sustainable design and renewable energy measures
12. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
13. Detail of Highway Works to be completed through S278 agreement
14. Tree protection plan to be implemented in accordance with details submitted
15. Provision of a replacement tree
16. Replacement of any new or existing trees which die within 5 years of the proposed works
17. All flank elevation windows the rear elevation facing 413-417 Westferry Road shall be provided as obscure glazed.
18. The finished floor levels of the new dwellings will be set no lower than 2.495m AOD.
19. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Informatives

- 1) Section 278 / S72 required
- 2) Thames Water advice regarding private drainage and water pressure
- 3) Applicant advised to contact LBTH Building Control team.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposes the erection of a three storey residential block which will have its main elevation onto Chapel House Street. The flank elevation of the property will be located on to Westferry Road.
- 4.2 The proposal also includes proposed improvement works to an area of landscaping located to the rear of the site. The area of open space is bound by the rear of the proposed new build development and Transom Square. This area will be re-landscaped and planting is proposed within this space. No boundary fencing is proposed around this open space/landscaped area.
- 4.3 The proposed residential development would provide 8 residential units (use class C3) all of which will be provided with private amenity space. The proposal includes landscaping improvements and cycle parking.

Site and Surroundings

- 4.4 The application site is a rectangular parcel covering an area of (600sq.m) 0.06 hectares. The site is bound by Westferry Road to the south of the site, Chapel House Street to the east of the site and Transom Square to the west of the site. The northern boundary of the site runs along the boundary of existing residential properties located at Chapel House Street and Transom Square.
- 4.5 The existing site comprises two separate areas. The eastern part of the site is an area of hard standing, formerly a site compound and car park. The car park use ceased in 2005 and the land was later used as a site compound to facilitate housing decant programme by the applicants. Following the completion of the decant programme, the site has been locked and

under utilised. The area to the west is an area of existing housing amenity land which comprises 6 mature trees and a footpath which provides pedestrian access to 413-417 Westferry Road.

- 4.6 The site lies within a predominantly residential area, characterised by low rise residential dwelling houses to the north of Westferry Road and slightly higher rise housing to the south of Westferry Road. On the opposite side of the Chapel House Street frontage comprises some commercial land uses along Westferry Road which is an undesignated shopping parade serving the local area.

Planning History

- 4.8 There are a number of old planning permissions dating from the 1980s and 1990s relating to the site, however, the majority are not relevant to this planning application.
- 4.9 413-417 Westferry Road (Former address Chapel House Street)
- 4.10 PA/73/453 – An application was made by the LB Tower Hamlets for the erection of residential development comprising Blocks A, B and C; Granted 23rd January 1975.
- 4.11 PA/75/430- Residential development comprising two and three storey houses and three storey flats; Granted 22nd October 1975.

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:

Unitary Development Plan 1998 (as saved September 2007)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV12	Provision Of Landscaping in Development
	DEV50	Noise
	DEV51	Contaminated Soil
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	HSG15	Development Affecting Residential Amenity
	HSG16	Housing Amenity Space
	T10	Priorities for Strategic Management
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the Road Network
	T21	Pedestrians Needs in New Development

Core Strategy 2010

Strategic Objectives:	S07	Urban Living for Everyone
	S08	Urban Living for Everyone
	S09	Urban Living for Everyone
	SO10	Creating Healthy and Liveable Neighbourhoods
	SO14	Dealing with waste
	SO19	Making Connected Places
	SO20	Creating Attractive and Safe Streets and Spaces

SO21	Creating Attractive and Safe Streets and Spaces
SO22	Creating Distinct and Durable Places
SO23	Creating Distinct and Durable Places
SO24	Working Towards a Zero Carbon borough
SO25	Delivering Placemaking

Spatial Policies:	SP02	Urban Living for Everyone
	SP03	Creating Healthy and Liveable Neighbourhoods
	SP05	Dealing with waste
	SP08	Making connected Places
	SP09	Creating Attractive and Safe Streets and Spaces
	SP10	Creating Distinct and Durable Places
	SP11	Working Towards a Zero Carbon Borough
	SP12	Delivering Placemaking

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

Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV22	Contaminated Land
	HSG1	Determining Residential Density
	HSG2	Housing Mix
	HSG3	Affordable Housing
	HSG5	Estate Regeneration Schemes
HSG7	Housing Amenity Space	
HSG9	Accessible and Adaptable Homes	
HSG10	Calculating Affordable Housing	

Supplementary Planning Guidance/Documents

Designing Out Crime Parts 1 and 2

Spatial Development Strategy for Greater London (London Plan) 2011

Policies:	3.3	Increasing Housing Supply
	3.4	Optimising Housing Potential
	3.5	Quality and Design of Housing Developments
	3.8	Housing Choice
	5.2	Minimising Carbon Dioxide Emissions
	5.3	Sustainable Design and Construction
	5.7	Renewable Energy
	5.11	Green Roofs and Development Site Environs
	5.12	Flood Risk
	5.13	Sustainable Drainage

5.14	Water Quality and Wastewater Infrastructure
6.1	Strategic Approach
6.3	Assessing Effects of Development on Transport Capacity
6.9	Cycling
6.10	Walking
6.11	Smoothing Traffic Flow and Tackling Congestion
6.13	Parking
7.2	An Inclusive Environment
7.3	Designing out crime
7.4	Local Character
7.5	Public Realm
7.6	Architecture

Government Planning Policy Guidance/Statements

NPPF	Draft National Planning Policy Framework
PPS1	Delivering Sustainable Development
PPS3	Housing
PPS23	Planning and Pollution Control
PPS25	Development and Flood Risk

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:

Environment Agency (Statutory Consultee)

6.2 The Environment Agency have stated that they have no objection to the development subject to conditions

The finished floor levels of the new dwellings will be set no lower than 2.495m AOD.
Reason: To minimise the risk of flooding to the new dwellings and their occupants including in the unlikely event of a failure of the Thames Tidal flood defences.

(Officer Comment: A condition to cover the planning issues raised by the Environment Agency would be placed on any permission.)

LBTH Highways

6.3 Highways raise no objection to the redevelopment of the car park as it has not been used for over 5 years. Highways has no objection in principle to the development, subject to the following conditions:

- car and permit free agreement
- cycle storage to be provided as shown and retained
- S278 agreement

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

Concerns have been raised as there is no disabled parking provided at the application site.

(Officer Comment: Whilst the development proposes no disabled parking, disabled residents are able to apply for 'blue badges' and designated bays can be restricted for their sole use located directly outside their premises.)

LBTH Environmental Health- Contaminated Land

6.4 It is noted that the site has been subjected to former industrial uses which have the potential to contaminate the area. As a result a condition requiring the submission of details has been requested.

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

LBTH Energy Efficiency Unit

6.5 Energy efficient boilers and 36sqm of PV Panels are proposed at the site providing a CO2 reduction of 23.67% which accords with adopted energy policies.

With regard to sustainability, the applicants are only able to achieve a code level 3 due to the building design and orientation, and due to the constrained nature of the site and the need to provide non-habitable rooms to the south and west, a higher code level cannot be achieved.

(Officer comment: On balance, the Code level 3 is considered to be acceptable as it is necessary to reduce the impact of loss privacy upon existing residents.)

Association of Island Communities

6.6 No comments received to date

Burrell's Wharf Tenants Association

6.7 No comments received to date

Westferry Tenants Association

6.8 No comments received to date

Chapel House Tenants Association

6.9 No comments received to date

7. LOCAL REPRESENTATION

7.1 A total of 60 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 at the application 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: 13 Against: 12 In Support: 1

No. of Petitions Against: 1 (22 signatures)

Objections

7.2 Density and land use

- When was the play area and car park use lost and why.

(Officer comment: The site was transferred from LB Tower Hamlets to East End Homes in 2006 at which time the use of the land as a car park ceased. It is understood that there this was an area of informal parking as opposed to permit holder parking as there is no planning history for car parking at the site.)

- Overdevelopment and impact on local infrastructure including transport, schools, doctors etc.

(Officer comment: The application site is a windfall housing site providing much needed housing within the borough; this is discussed further within the body of the committee report.)

- Loss of open space/child play area

(Officer comment: Whilst the area may have historically been an informal child's play space, this appears to have also been a use which is historic and ceased following the transfer of land.)

- Loss of designated Public Open Space

(Officer comment: The application site is not designated Public Open Space.)

- Insufficient family homes

(Officer comment: The constrained nature of the site has led to this design solution which is discussed within the 'Housing' section of this report below.)

7.3 Design

- Three storeys is out of character with the two storey developments on Chapel house Street
- Materials are unsympathetic to the site and surrounding area
- Design does not reflect the pitched roof designs of the local area.

(Officer comment: Design is somewhat subjective and is discussed in detail below, however this corner site is surrounded by a variety of properties of different designs.)

- The proposal sites serves as an important view into the conservation area

(Officer comment: It is acknowledged that the conservation area lies to the north of the application site, however it is some distance from the site and the characteristics of the conservation area are very different to those of the application site.)

- Access should be maintained into the rear of 1 Chapel House Street and be well lit. Sufficient passage above ground floor level should be provided for maintenance and repair of brickwork.

(Officer Comment: Access at ground floor level is maintained providing entrance into the rear of 1 Chapel house Street. The property is built to the boundary at upper floor levels however the maintenance of the roof and access to the property can still be gained via the front and side/rear entrance to the site.)

7.4 Amenity Impacts

- Noise and disruption during construction process

(Officer comment: the Council is able to impose conditions on the hours of construction at the site and as part of Building Regulations the applicants are required to adhere to the practices of the Considerate Constructors Scheme.)

- Loss of light to 1 Chapel House Street and neighbours to the rear

(Officer comment: the rear elevation of the proposed residential development follows the building line of the existing property at 1 Chapel House Street. As a result of this there will be

no loss of daylight or sunlight to the habitable rooms at 1 Chapel House.)

- Loss of privacy

(Officer comment: The applicants have sought to design the internal layout to provide non-habitable rooms to the rear of the site where there are likely impacts of loss of privacy. The Council is also able to seek to secure obscure glazed fenestration in this location. A suitably worded condition will be imposed on any planning consent issued.)

- Noise generated by proposal

(Officer comment: The proposal is a residential development and therefore is unlikely to raise substantial noise generation over and above the existing residential properties in the area.)

- Loss of Tree T1

(Officer Comment: Whilst the independent survey identifies the loss/felling of one tree, a condition will be imposed for the replacement of this tree and the proposal also includes landscaping uplift works to this public space to the west of the site.)

7.5 Highway Impacts

- Increase in on-street parking

(Officer comment: The application proposes a car and permit free development which will prevent the exacerbation of cars in the area and will create the use of more sustainable forms of transport.)

- Safety of pedestrian traffic with increased traffic

(Officer comment: The application proposes a car and permit free development which will prevent the exacerbation of cars in the area.)

Support

7.6

- Positive use of an underused site
- Materials are appropriate to the context of the site and surroundings
- Scale of development is appropriate to the local context
- Welcome landscaping improvements- impose condition requiring replacement of dead plants.

(Officer comment: A condition for a Landscape Management and Maintenance Plan will be imposed on any planning permission granted.)

7.7 The following issues were raised in representations that are not considered material to the determination of the application:

7.8

- Proposal has caused anti-social behaviour in Julian Place

(Officer comment: currently the application brownfield site is locked and under utilised)

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The application has been fully reconsidered against all relevant policies under the following report headings:

- 8.2
1. Land-use
 2. Housing
 3. Design
 4. Amenity for future occupiers
 5. Amenity of neighbouring occupiers
 6. Transport Impacts
 7. Other

Land-use

8.3 The application site has no specific designations in the adopted Unitary Development Plan 1998 or the Interim Planning Guidance 2007. The application proposes a residential development comprising 8 residential units (Use Class C3) on a brownfield site.

Redevelopment of under utilised site

8.4 Whilst the application site is undesignated, it would appear that the main issue arising at the site is the loss of this site which was formerly used as an informal car parking provision and a children's play area.

8.5 The application site has no current or historic site designations as public open space. No planning applications have been linked to nor implemented on the site safeguarding it as car parking for any particular development.

8.5 The application site is therefore considered to be a brownfield site which is appropriate for development subject to other planning policies in accordance with PPS3 (Housing) and policy SP02 of the Core Strategy 2010.

Principle of a residential use

8.7 With regard to the principle of proposing housing at this brownfield site, the site is located within an area which is already predominately residential and will therefore provide a suitable environment for future residents. The provision of additional housing is a key aim of national, regional and local planning policy and the proposal would accord with policies 3.3, 3.4 of the London Plan 2011 and objective S07 and policy S08 of the Core Strategy 2010 which seek to maximise the supply of housing.

Density of Development

8.8 National planning guidance in PPS1: Sustainable Development and PPS3: Housing stresses the importance of making the most efficient use of land and maximising the amount of housing. This guidance is echoed in the requirements of London Plan Policy 3.4, which requires development to maximise the potential of sites, and policy 3.5. Objective S07 and policy SP02 of the Core Strategy 2010 and policy HSG1 of Interim Planning Guidance (2007) also seek to maximise residential densities on individual sites subject to acceptable environmental impacts and local context.

8.9 In an urban area with a PTAL of 3, the London Plan states that a density range of 200 – 450 hr/ha is appropriate.

8.10 The site has an area of 0.06 ha (600sq.m). The application proposes to develop part of the site which will create an overall residential density of 333 habitable rooms per hectare. This is within the density ranges of the application site. For information purposes, the density of the development has also been calculated excluding the area of open space which is being re-landscaped. This area of the site located to the east measures 0.03 ha and creates an overall density of 666 habitable room's pre hectare.

8.11 In the simplest of numerical terms, the proposed density of the smaller portion of the site to the east would appear to suggest an overdevelopment of the site. However, the intent of the London Plan and the Council's Interim Planning Guidance is to maximise the highest possible intensity of use compatible with local context, good design and public transport capacity.

8.12 However, it should be noted that solely exceeding the recommended range is not sufficient reason to warrant refusing a planning application. It would also be necessary to demonstrate that the high density value was symptomatic of an overdevelopment of the site. Policy HSG1 of the Interim Planning Guidance seek to maximise residential densities on individual sites taking into consideration:-

- Local context and character
- Residential amenity
- Site accessibility
- Housing mix and type
- Achieving high quality, well designed homes
- Maximising resource efficiency
- Minimising adverse environmental impacts
- The capacity of social and physical infrastructure and open spaces; and
- To ensure the most efficient use of land within the borough

Some of these specific factors are considered in detail in later sections of the report.

8.13 In the case of this proposal it is considered that

- The proposal is of a particularly high quality that responds to the local context by delivering a positive relationship to Westferry Road and Chapel House Street area.
- The proposal does not result in any of the adverse symptoms of overdevelopment with regard to amenity.
- The proposal provides good quality homes within the borough.
- The proposal makes an efficient use of an under-utilised brownfield site.

8.14 There are numerous examples of developments where the Council has accepted a density above the suggested range, where it has been demonstrated that there are no adverse impacts from a development. In overall terms, Officers are satisfied that the development makes the most efficient use of land. The proposed development has no significant adverse impacts and accords with the aims of London Plan policy 3.4, policies S07 and SP02 of the Core Strategy 2010 and IPG policy HSG1.

Housing

8.15 The application proposes 8 private/market residential (Class C3) units at the application site. This section of the report considers the acceptability of the housing provision on site in terms of the mix of dwellings sizes and provision of lifetime homes.

Mix of dwelling sizes

8.16 Saved policy HSG7 of the UDP (1998) requires development to provide a mix of unit sizes and this is reflected in London Plan policy 3.8 also requires development to offer a range of housing choice and Core Strategy policy S08. Policy SP02 of the Core Strategy 2010 and Interim Planning Guidance policy HSG2 specify the particular mix of unit sizes required across different tenures in the Borough.

8.17 Housing Mix in IPG policy HSG2 details the mix of units required in the residential properties. Policy SP02 seeks an overall provision of 30% family housing in new development proposals. These figures and the breakdown of the proposed accommodation are shown in the table below: -

Housing Mix- Proposed Development

Unit Size	No. Units	IPG Target %	Core Strategy Target %	Proposed %
1 Bed	5	75%	70%	87.5%
2 Bed	2			

3 Bed	1	25%	30%	12.5%
Totals	8	100	100	100

8.18 The proposed housing mix provides an excess of one and two bedroom units against the policy target and an under provision of family units. Whilst a more policy compliant scheme could be sought at the site, due to the site constraints of site size and orientation, it is not considered that the development could achieve a more family units. Mitigation to provide a suitable layout to ensure the privacy of adjoining residents has been a restriction at the site, alongside providing private amenity space for each residential unit, which are important features for this development. The proposal is considered acceptable and compliant with policies HSG2 of the IPG 2007 and SP02 of the Core Strategy 2010.

Lifetime Homes

8.19 Policy HSG9 of the IPG 2007 requires housing to be designed to 'Lifetime Homes' standards.

8.20 The proposed accessible units are considered to be adaptable and comply with lifetime homes standards and meet the requirements of IPG policy HSG9.

Design

8.21 Good design is central to the objectives of national, regional and local planning policy. Policy 3.5 of the London Plan provides guidance on the quality and design of housing developments and specifies a number criterion aimed at achieving good design. These criterion are reflected in saved policies DEV1 and DEV2 of the UDP; objectives SO20, SO21, SO22, SO23 and policy SP10 of the Councils Core Strategy 2010 and IPG policies DEV1 and DEV2.

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

8.23 Policy DEV2 of the IPG, supported by policy SP10 of the Core Strategy 2010 seeks to ensure new development creates buildings and spaces that are of high quality in design and construction, are sustainable, accessible, attractive, safe and well integrated with their surroundings.

8.24 The proposed building would be a corner development located at the junction of Westferry Road and Chapel House Street, however given the set back of properties along Westferry Road, it will also be highly visible from Transom Square. The proposed development will be one which will be afforded a prominent and visible location along Westferry Road as approached from an east and west bound direction.

Design, layout, height, bulk and appearance

8.25 The height of the proposed block has been established to match the character of the buildings along Westferry Road and provide an integration between the Chapel House Street properties which are 2 storeys in height, the 3 storey residential properties at 413-417 Westferry Road and the Westferry Road properties located to the south of the site.

8.26 In principle the height of the proposed scheme is considered to be acceptable as it does not exceed the height of surrounding buildings and is considered to positively integrate with the local streetscene.

8.27 To provide an appropriate massing and integration from the proposal to the Chapel House Street terraced units, the junction of the proposed building has been carefully considered and an integrated balcony is provided at this junction. The proposal by virtue of design and materials, as displayed in the image below makes a positive contribution to the Westferry

Road streetscene.

Image 1- View West along Westferry Road



- 8.28 The Chapel House Street terrace and surrounding developments comprise of predominantly brick composition. The proposed development would also use traditional brick combined with modern glazed balustrades and powder coated aluminium framed windows which provide a development which is in-keeping with its surroundings.
- 8.29 The proposed building line along the front elevation of the proposal, along Chapel House street has been set back from the rear of the pavement to provide defensible space and create a prominent entrance core for all units into the proposed residential block. The layout and footprint of the new block aligns with the existing Chapel House Street terrace.
- 8.30 The rear elevation is also highly visible when viewed from Westferry Road and the treatment of this façade is considered to have been suitably designed to reflect the local streetscene.

Image 2- View East along Westferry Road



- 8.31 A secure boundary line is provided to all residential units to the east of the site creating a clear boundary from the publicly accessible amenity space to the west of the site and the private residential properties to the east.
- 8.32 In overall terms the proposals meets the high design standards required by policy and is considered to provide a positive integration between the existing and proposed environment. The bulk and height of the proposed development are considered to be sensitive to the adjacent built form and respond positively to the street scene. The development therefore accords with the requirements of saved UDP policies DEV1 and DEV2 and policies DEV1, DEV2, and DEV4 of the IPG, which seeks to ensure development proposals are appropriately set within the context of the site and surroundings and do not impact upon neighbouring amenity.

Amenity of Existing Residents

Daylight and Sunlight

- 8.33 Saved policy DEV2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that policy DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.34 Policy DEV1 of the IPG states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms. This policy is supported by policy SP10 of the Core Strategy 2010.
- 8.35 Policy 7.6 of the London Plan refers to the design and impact of large scale buildings and includes the requirement that in residential environments particular attention should be paid to privacy, amenity and overshadowing.
- 8.36 The application is accompanied by a Sunlight and Daylight Assessment. The assessment analysed the effect of the proposed development on the daylight and sunlight amenity to the following properties.
- 413-417 Westferry Road
 - 292 Westferry Road
- 8.37 The properties are located to the northwest of the proposed new build development. The assessment was undertaken following the British Research Establishment (BRE) Guidelines. An assessment of Vertical Sky Component (VSC) and Daylight Distribution, and where room sizes were known the Average Daylight Factors (ADF) were also analysed to the windows of neighbouring properties.
- 8.38 Whilst some of the windows fail to meet the VSC guidelines, all windows meet the ADF levels required by the BRE guidelines within the adjoining existing residential properties.
- 8.39 Whilst the proposal would result in a slight reduction of availability of daylight into rooms at 417 Westferry Road, the change is considered to be marginal and the is outweighed by the benefits of the proposal bringing forward much needed housing within the borough to increase housing stocks.

Sunlight

- 8.40 In assessing the Sunlight impact as a result of the proposed development, again 417 Westferry Road is the only property affected. The assessment shows that every window

would achieve 25% of Annual Probable Sunlight Hours (APSH), with the exception of 1 room, which serves a kitchen. This window does however meet the ADF criteria in Daylight. 2 rooms out of 7 will not meet 5% APSH during the winter months, these rooms serve a kitchen and a dining room and both rooms do meet the ADF criteria in Daylight, however it is nearly impossible to achieve the winter APSH target in urban areas.

- 8.41 Considering the context of the area, and the benefits of the scheme, it is considered that on balance, the minimal impact of sunlight and daylight to the neighbouring properties do not outweigh the benefits of the scheme.

Privacy/Overbearing Development

- 8.42 Saved UDP Policy DEV 2 requires that new development should be designed to ensure that there is sufficient privacy for neighbouring residents. The policy states that a distance of 18m between opposing habitable rooms reduces inter-visibility to a degree acceptable to most people. The main issue is whether the proposed development will provide this level of privacy, particularly with regard to residential properties at 413-417 Westferry Road.
- 8.43 A separation distance of 13metres is the maximum which could be achieved as part of the proposals, between the rear of the application site and 413-417 Westferry Road. There are windows serving habitable rooms located in the eastern elevation of the Westferry Road properties which would face onto the rear elevation of the proposed development.
- 8.44 The proposed development has sought to mitigate the impact of the proposed development by re-arranging the floor area to provide non-habitable rooms, including bathrooms and kitchens to the rear of the site, facing the properties at 413-417 Westferry Road. In order to protect future residents from any perceived overlooking and loss of privacy, it is proposed to impose a condition requiring all windows within the rear elevation to be obscure glazed.
- 8.45 There are no windows within the flank elevation of 1 Chapel House Street and directly adjoining the site, the development does not project beyond the rear building line, therefore this relationship is also considered to be acceptable.
- 8.46 There is an adequate separation distance which exceeds the council guidelines of 18metres along the eastern Chapel House Street frontage of the site and the south Westferry Street frontage of the site.
- 8.47 The proposal accords with saved policy DEV2 of the UDP 1998, policy SP10 of the Core Strategy 2010 and policy DEV1 of the IPG 2007 which seek to protect the amenity of existing residents.

Amenity of future occupiers

Standard of Accommodation

- 8.48 London Plan policy 3.5 seeks quality in new housing provision. London Plan policy 3.5 and saved UDP policy HSG13 requires new development to make adequate provision of internal residential space.

Floorspace

- 8.49 Policy 3.5 of the London Plan 2011 sets out the floorspace standards for all new developments within London. Policy HSG13 of the Unitary Development Plan 1998 also requires developments to make adequate provision of internal space.
- 8.50 Three of the eight new residential units are slightly below the floorspace standards however they are only 1-3 square metres below the required floorspace standards. On balance it is considered that the proposal provides an adequate standard of accommodation to meet the requirements for future residential occupiers in accordance with policy 3.5 of the London Plan 2011 and saved policy HSG13 of the Unitary Development Plan 1998.

Residential Amenity Space

- 8.51 Saved UDP policy HSG 16 (Housing Amenity Space) requires that new development should make adequate provision of amenity space. Interim Planning Guidance Policy HSG7 sets minimum space standards for the provision of private in new developments.
- 8.52 In total, the application proposes 135.5 square metres of private amenity space, with each individual unit provided with private amenity space, in the form of balconies for the flats on the upper floors and garden space for the ground level accommodation. When expressed as a cumulative total the level of private amenity space provision is in excess of the policy requirement. The proposal is considered to accord with policy HSG7 of the IPG 2007 and saved policy HSG 16 of the UDP 1998.
- 8.53 The application also proposes to upgrade an area of publicly accessibly open space located to the west of the site.

Refuse and recycling

- 8.54 Provision is made for refuse and recycling in stores located at ground floor level to serve the residential units. The stores are satisfactory and accord with requirements of saved UDP policy DEV55 and policy SO14 of the Core Strategy 2010, which seeks to ensure development makes adequate provision for the collection and storage of refuse.

Daylight and Sunlight

- 8.55 The residential accommodation has been provided with larger than average windows to provide as much light in to the new residential units as possible. Each of the properties are also dual aspect which provides high quality accommodation which is seldom found in urban locations. The layout and quality of the proposed accommodation would provide suitable accommodation for future residents.
- 8.56 The submitted study shows that the development will have some minor daylight impact on some rooms. However, given the urban context and as no substantial adverse impact is expected by way of loss of light, the proposals is acceptable in terms of UDP policy DEV2, Core Strategy policy SP10 and IPG policy DEV1.

Noise / disturbance

- 8.57 Saved Policy DEV50 of the UDP (1998) and policy SP10 of the Core strategy 2010 states that the Council will consider the level of noise from a development as a material consideration. This policy is particularly relevant to construction noise during the development phase. To ensure compliance with this policy conditions would be placed on any permission restricting construction works to standard hours.

Transportation

- 8.58 The site falls in an area with a public transport accessibility level (PTAL) of 3. The nearest bus stop is on Westferry Road, directly outside the application site. Bus routes D3 and D7 run from outside the application site and the 135 route also runs from relatively close to the site. The DLR station is located at Island Gardens which is a 5 minute walk from the site.
- 8.59 National guidance on transport provision is given in PPG13: Transport. London Plan polices 6.1, 6.3, 6.9, 6.10, 6.13 IPG policies DEV16, DEV17, DEV18 and DEV19 (2007) and Core Strategy policy SP09 (2010) in broad terms seek to promote more sustainable modes of transport by reducing car-parking and improving public transport.
- 8.60 Saved UDP policy T16 requires that consideration is given to the traffic impact of operational requirements of a proposed use and T18 seeks to ensure priority is given to the safety and convenience of pedestrians.

Access and Servicing

- 8.61 The application proposes to close the existing vehicular access provide a car and permit free development at the application site to prevent any on-street exacerbation on parking stress. The Local Planning Authority and the Highways team support this proposal.

Cycle Parking

- 8.62 The application proposes 9 secure and covered cycle parking spaces for the residential units and visitors. These are located in separate stores within the development The provision meets the standards for residential developments and visitor parking specified in IPG policy standards. The level of provision accords with London Plan policy 6.9 and IPG policy DEV16 and is acceptable.

Others

Trees

- 8.62 In accordance with policy DEV15 of the UDP 1998, policy DEV13 of the IPG 2007 and policy SP10 of the Core Strategy 2010 the application has been submitted alongside an Arboricultural assessment. The planning application proposes the removal of one tree within the existing open space located to the west of the site. The council propose to seek the re-provision of this tree through imposition of a condition.

Renewable Energy and Energy Efficiency

- 8.64 London Plan energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and renewable energy technologies. Policy 5.2 and 5.7 state that new developments should achieve a reduction in carbon dioxide emissions of 40%. IPG policies DEV5 and DEV6 and Core Strategy policy SP11 have similar aims to London Plan policy.
- 8.65 The application is accompanied with an Energy Statement produced by energy Council. This details that the development will use energy efficient boiler systems within the proposed units and install PV panels. The residential units would be completed to Code for Sustainable Homes Level 3.
- 8.66 The measures outlined are expected to reduce CO2 emissions from the site by 23.6%. This is considered acceptable and would be secured by condition.

Site Contamination

- 8.67 In accordance with the requirements of PPS23, saved UDP policy DEV51 and IPG policy DEV22 the application has been accompanied by an Assessment of Ground Conditions to assess whether the site is likely to be contaminated. The study has been reviewed by the Council's Environmental Health Officer who has concluded that there is a potential threat of contamination. The study identifies the need for further intrusive investigations and this, and any necessary mitigation, would be required by condition.

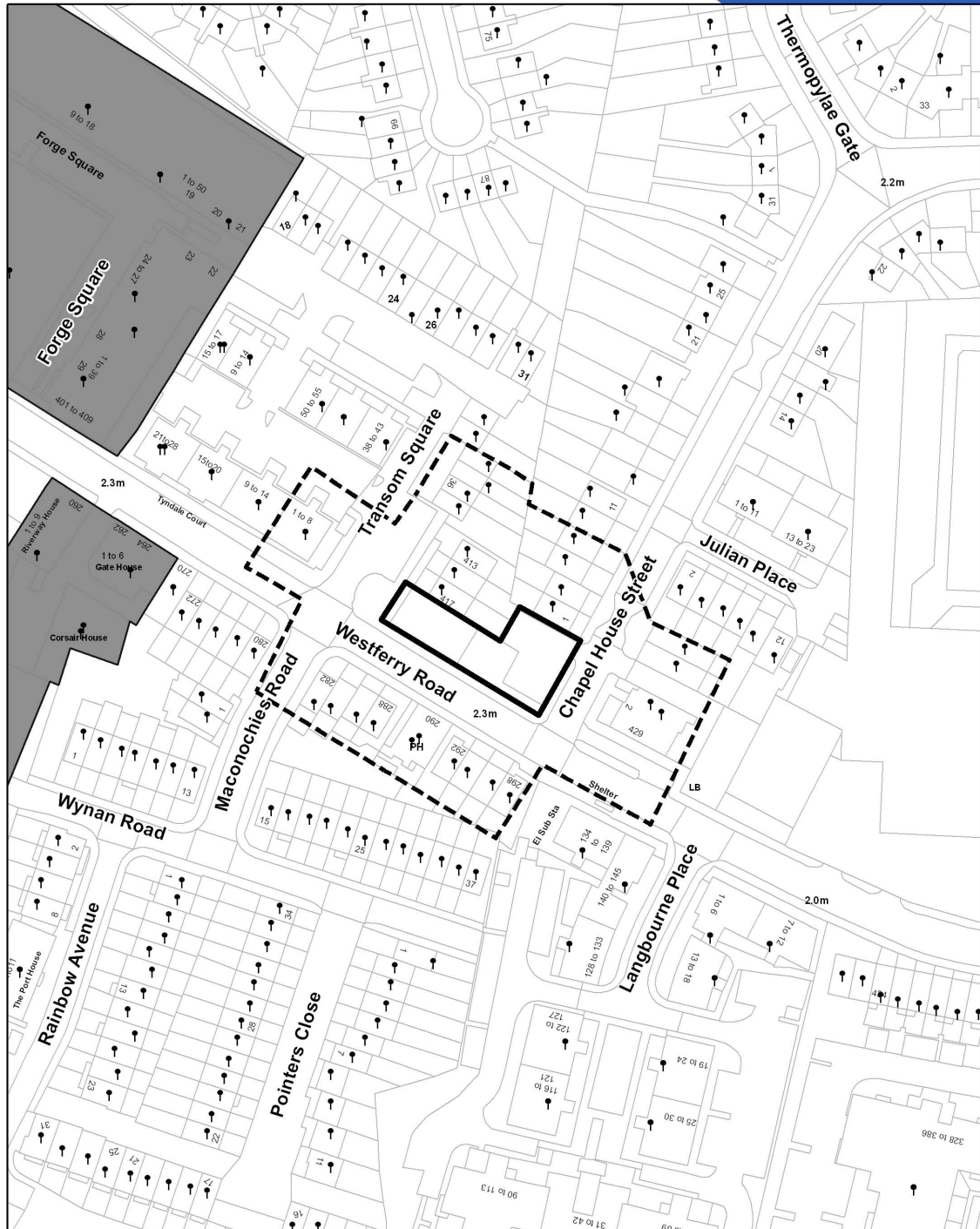
Flooding

- 8.68 In accordance with the requirements of PPS25, saved policy DEV8 of the IPG 2007 and objective SO13 of the Core Strategy 2010, the application has been accompanied by a Flood Risk Assessment. Whilst the Environment Agency have raised no objection with regard to Flood Risk at the site, it has been identified that the design of the development is required to be completed at a certain AOD level in order to ensure suitable flood protection at the site. A condition will be imposed to ensure this.

9.0 Conclusions

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

Planning Application Site Map



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address	
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: 16 th November 2011	Classification: Unrestricted	Agenda Item No: 7.3
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Nasser Farooq		Ref No: PA/11/01592 & PA/11/01593	
		Ward(s): Bethnal Green North	

1. APPLICATION DETAILS

Location:	Sotherby Lodge, Sewardstone Road, London , E2 9JQ
Existing Use:	Residential (10 residential units)
Proposal:	<u>Conservation Area Consent (CAC)</u> Demolition of the existing 3 storey building. <u>Full Planning Permission (FPP)</u> Erection of a part 5, part 6 storey building to provide 40 flats (15 x one bedroom, 16 x two bedroom and 9 x three bedroom).
Drawing Nos:	<u>FPP</u> 807_0202 B, 807_0230 K, 807_0203 D, 807_0201 N 807_241807_240 and accommodation schedule Rev M dated 19/03/08 <u>CAC</u> 115_De_P01
Applicant:	Estate and Lets 2 LLP
Owners:	Estate and Lets 2 LLP
Historic Building:	N/A
Conservation Area:	Victoria Park

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The local planning authority has considered the particular circumstances of these applications against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010), saved policies of the Unitary Development Plan (1998), the Interim Planning Guidance (2007) associated Supplementary Planning Guidance, the London Plan (2011) and Government Planning Policy Guidance and has found that:

Conservation Area Consent:

- a) The proposed demolition works are acceptable in principle and meet the objectives of Saved Policy DEV28 of the Unitary Development Plan (1998) and Policy CON2 of the Interim Planning Guidance (2007) as well as PPS5 which seek to ensure appropriate demolition of buildings within conservation areas.

Full Planning Permission:

- a) The proposal is in line with the Development Plan policies, as well as Government Guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3.4 of the London Plan and HSG1 of the Council's Interim Planning Guidance (2007) which seeks to ensure this.
- b) The proposed residential use is considered acceptable in principle as it would contribute to housing need within the borough, including the delivery of affordable housing and is situated in a suitable and accessible location. As such, the proposed use is in line with

policies 3.3 and 3.4 in the London Plan (2011), policy SP02 of the Core Strategy, saved policies HSG7 and HSG16 in the Unitary Development Plan (1998) and policies HSG2, HSG7 and HSG9 in the Interim Planning Guidance (October 2007) which seeks to meet the recognised housing needs within the Borough.

- c) The height, scale, bulk and design of the proposed development is considered to be acceptable within the context of the area, in accordance with policy 7.1, 7.4 and 7.6 of the London Plan (2011), policy SP10 of the adopted Core Strategy, saved policies DEV1 and DEV2 of the Unitary Development Plan (1998) and policies DEV1, DEV2 and DEV3 of the Interim Planning Guidance (October 2007) which seek to ensure buildings are a high quality design and suitably located.
- d) The proposal would preserve and enhance the character and appearance of the Victoria Park Conservation Area and is therefore considered acceptable in accordance with policy 7.8 of the London Plan (2011), adopted policy SP10 of the Core Strategy (2010), saved policy DEV1 in the Unitary Development Plan (1998) and DEV2 and CON2 in the Interim Planning Guidance (October 2007) which seek to ensure development preserves or enhances the character and appearance of conservation areas.
- e) The proposal would not have an unacceptable impact on the residential amenity of nearby properties in terms of loss of light, increased overlooking or noise. As such, the proposal is in line with policy SP10 of the Core Strategy, saved policy DEV2 of the Unitary Development Plan (1998) and policies DEV1 and DEV10 in the Interim Planning Guidance (October 2007) which seek to protect the amenity of residents.
- f) The proposal would not result in an unacceptable loss of car parking and would not create parking congestion within the surrounding road network and is therefore in accordance with policy 6.13 of the London Plan (2011) which seek to minimise parking provision in areas with good access to public transport.

3. RECOMMENDATION

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

3.2 All parties, including all mortgagees, with an interest in the site entering into a deed under s106 and/or s106A of the Town and Country Planning Act 1990 to transfer the planning obligations imposed in connection with the original permission to the new permission PA/11/01592, such deed to be to the satisfaction of the Assistant Chief Executive (Legal Services) and to secure the following:

- 3.3
 - a) 35% Affordable Housing
 - b) Car Free Agreement
 - c) Education contribution £61,710
 - d) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
(as secured with Permission PA/08/00153)

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

3.5 That, if by 16th February 2012, the legal agreement has not been completed to the satisfaction of the Assistant Chief Executive (Legal Services), the Corporate Director of Development and Renewal be delegated the authority to refuse planning permission on the grounds that in the absence of a legal agreement, the proposal fails to secure appropriate planning obligations to mitigate its potential impacts.

3.6 That the Corporate Director Development & Renewal is delegated power to impose

conditions and informatives on the planning permission and conservation area consent to secure the following matters:

Conservation Area Consent

- 3.6
- 1) Three year time limit for development to occur
 - 2) Development in accordance with approved plans.
 - 3) Construction contract to ensure FPP is implemented.

Full Planning Permission

3.7 Conditions

- 1) Three year time limit for development to occur
- 2) Development in accordance with approved plans.
- 3) Materials to be submitted and approved
- 4) Building works hours of operation (8am-6pm Mon-Fri, 8am-1pm Sat)
- 5) Energy and sustainability strategy to be approved
- 6) Contaminated Land.
- 7) Obscure glazing up to 1.8m in height from internal floor level in all proposed windows in the south east elevation facing Reynolds House and to all the roof terrace.
- 8) Details, location and method of refuse collection to be agreed prior to commencement of development
- 9) Protection of all adjacent trees covered by Tree Preservation Order
- 10) Landscaping details required
- 11) 10% Wheelchair accessible units to be provided
- 12) Highways S.278 Agreement

Any other condition(s) considered necessary by the Head of Development Decisions.

Informative:

- 1) Application read in conjunction with associated CAC.

4. BACKGROUND TO EXTENSION OF TIME APPLICATIONS

- 4.1 An application to extend the time limit for implementation can be made in respect of a planning permission granted on or prior to 1st October 2009, if the relevant time limit of an extant planning permission has not expired and if the development has not yet been commenced.
- 4.2 The Greater Flexibility for Planning Permissions Guidance issued by Communities and Local Government states that the Council should take a constructive approach towards these applications and given that the principle of the development has already been agreed, the focus of the determination should be on adopted policies and other material considerations (including national policies on matters such as climate change) which may have significantly changed since the original grant of permission.
- 4.3 As is the case with this application, where the original permission is accompanied by a S106 legal agreement, the Council need to consider whether a supplementary deed is required to link the obligations of the original to the new permission. It should also be noted that the Council has the power to impose and/or vary conditions.

5. PROPOSAL AND LOCATION DETAILS

Proposal

- 5.1 On 9th April 2008, an application for the 'Demolition of the existing 3 storey building and the erection of a part 5, part 6 storey building to provide 40 flats (15 x one bedroom, 16 x two bedroom and 9 x three bedroom)' was approved by the Development Committee (LBTH Ref PA/08/00153).
- 5.2 The planning permission was issued 18th September 2008 (following the completion of the S.106 Agreement) with a condition stating that the development should begin before expiration of three years from the date of the permission.
- 5.3 A separate application for conservation area consent for the demolition of the existing building was granted consent on 9th October 2007. The demolition of the building has not taken place within the three year demolition time period and the consent has consequently lapsed.
- 5.4 The applicant has indicated that there have been number of factors which have delayed the implementation of the planning permission and conservation area consent. The main reason stated involves the recent economic down turn and the limited availability of finance for new projects. This was the primary reason why applications for extension to the time limits for implementing planning permissions were introduced; in order to make it easier for developers and local planning authorities to keep planning permissions alive for longer during the economic downturn, so that it can be more quickly implemented when economic conditions improve.
- 5.5 As such, the applicant seeks the extension of the time limit to submit applications for approval of reserved matters and the implementation of the planning permission. The separate application for conservation area consent seeks consent for the demolition of the existing building.
- 5.6 It is proposed to demolish the existing 3 storey building known as Sotherby Lodge and redevelop the site with a part four and part six storey building comprising 40 residential units (15 x one bedroom, 16 x two bedroom and 9 x three bedroom units). The proposal provides for 35% affordable housing on a habitable room basis.

Site and Surroundings

- 5.7 The site is situated to the southern side of Sewardstone Road, opposite one of the entrances to Victoria Park. The site is a unique corner site with three street frontages and is bounded by Sewardstone Road, Approach Road and Bishops Way.
- 5.8 Whilst the surrounding area is predominantly residential in character, nearby uses include a hospital and a number of schools. The built form surrounding the site is a mix of two and three storey residential dwellings and five and six storey post war residential blocks of flats. To the south, directly adjoining the site, is a 6 storey post war residential block known as Reynolds House.
- 5.9 The property is a three storey brick building comprising 10 residential flats (2x1 bed and 8x2 bed units) and parking for approximately 6 cars. Whilst the existing building does not harm the conservation area, the existing car parking, landscaping and general maintenance of the site is poor and the building provides a poorly defined public realm.
- 5.10 The site has a public transport accessibility level (PTAL) of 3. The site is located approximately 550m away from Cambridge Heath over-ground station, approximately 800m away from Bethnal Green Underground station and approximately 250m away from the 309 and D3 bus routes (with buses every 6-10 minutes). It is therefore considered that public transport options are reasonably accessible and within a 10 minute walk.

Planning History

5.11 **PA/01/00496** - Demolition of existing block of flats and erection of a 4-6 storey building comprising 29 flats together with 29 car parking spaces at lower ground level and landscaping.

No decision reached – case is now closed

5.12 **PA/01/1059** - Demolition of block of flats in connection with proposed redevelopment of site. (Demolition within a Conservation Area)

No decision reached – case is now closed

5.13 **PA/07/1938** - Redevelopment of site consisting of a 6-8 storey building to provide 50 residential units (18 x 1 bed, 19 x 2 bed and 13 x 3 bed).

Withdrawn October 2007

5.14 **PA/07/2084** - Conservation Area Consent for demolition of existing 3 storey building to facilitate proposed redevelopment of the site.

Approved October 2007

5.15 **PA/08/00153**- Demolition of the existing 3 storey building. Erection of a part 5, part 6 storey building to provide 40 flats (15 x one bedroom, 16 x two bedroom and 9 x three bedroom). Approved 18th September 2008. This is the planning permission that is the subject of the current time extension.

6. POLICY FRAMEWORK

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

Adopted Core Strategy 2010

SP02	Urban Living for Everyone
SP09	Creating attractive and safe streets and spaces
SP10	Creating distinct and durable places
SP11	Working towards a zero-carbon borough
SP12	Delivering place making
SP13	Planning Obligations

Unitary Development Plan 1998 (as saved September 2007)

Policies:	DEV1	General design and environmental requirements
	DEV2	Development requirements
	DEV28	Demolition in Conservation Areas
	DEV 50	Noise
	DEV51	Contaminated land
	DEV55	Litter and Waste
	DEV56	Waste Recycling
	HSG7	Dwelling mix and type
	HSG13	Residential Space Standards
	HSG16	Amenity space
	T16	Traffic priorities
	T21	Improvement of pedestrian routes

Interim Planning Guidance for the purposes of Development Control

Proposals:		N/A
Policies:	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessibility and inclusive design
	DEV4	Safety and security
	DEV5	Sustainable design
	DEV10	Disturbance from noise pollution
	DEV13	Landscaping
	DEV15	Waste and Recyclables storage
	DEV16	Walking and Cycling
	DEV22	Contaminated Land
	HSG2	Housing mix
	HSG3	Affordable housing
	HSG7	Housing amenity space
	HSG9	Accessible and adaptable homes
	CON2	Conservation Areas

The London Plan (2011)

Policies	3.3	Increasing Housing Supply
	3.4	Optimising housing potential
	3.5	Quality and Design of housing developments
	3.6	Children and young people's play and informal recreating facilities
	3.8	Housing Choice
	3.9	Mixed and Balanced communities
	3.10	Definition of affordable housing
	3.11	Affordable housing targets
	3.12	Negotiating affordable housing on individual private residential and mixed use schemes
	3.13	Affordable housing thresholds
	5.1	Climate change mitigation
	5.2	Minimising carbon dioxide emissions
	5.3	Sustainable design and Construction
	5.7	Renewable Energy
	6.1	Strategic Approach to Transport
	6.9	Cycling
	6.13	Road Network Capacity
	6.14	Parking
	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
	7.6	Architecture
	7.8	Heritage Assets

Government Planning Policy Guidance/Statements

PPS1 Delivering Sustainable Development

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

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

A better place for learning, achievement and leisure
A better place for excellent public services

7. CONSULTATION RESPONSE

- 7.1 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 - Environmental Health

- 7.2 The site and surrounding area have been subjected to former industrial uses which have the potential to contaminate the area. I understand ground works and soft landscaping are proposed and therefore, a potential pathway for contaminants may exist and will need further characterisation to determine associated risks.

(Officer comment: Whilst this was not conditioned in the earlier application, it is considered that this matter could be controlled via the imposition of a condition)

London Borough of Tower Hamlets - Highways

- 7.3 There has not been a material change in policy or highways that would merit an objection or concern. If approval is granted it should be subject to the conditions/recommendations made by my Highways colleague in 2008.

(Officer comment: this is noted. The original application was subject to a car free development and also contained highway works conditions, which are proposed to be reproduced in this consent)

London Borough of Tower Hamlets - Cleansing

- 7.4 Bin storage facilities are not clear on plans. It seems there are two bin stores, which for seem to hold 10 bins. Preference is for the bin close to Approach Road to be maintained and expanded and for bicycle storage to be at the far end. This will make collections easier and speedier and avoid the refuse vehicle making manoeuvres when collecting waste

(Officer comment: this matter was controlled via a condition in the 2008 application. It is considered that a condition can be imposed to address these comments)

London Borough of Tower Hamlets – Housing

- 7.5 As there have been no changes in the scheme and this scheme provides 35% affordable housing, we have no objection to the extension of time being granted, especially as the current S106 obliges them to provide social rented housing units

(Officer comment: These comments are noted, housing is discussed further in the material planning section of the report)

London Borough of Tower Hamlets – Education

- 7.6 No comments received

(Officer comment: the 2008 application was subject to an s106 education contribution of £61,710 to mitigate any impacts on the local education, section 106 matters are discussed further in the material planning consideration's section of the report.)

Transport for London

7.7 No observations to make

CABE

7.8 No comments received

Crime Prevention Officer

7.9 No comments received.

London Borough of Hackney

7.10 No comments received to date

8. LOCAL REPRESENTATION

8.1 A total of 305 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 a site notice and in the East End Life. 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:	6	Supporting:	0
No of petitions received:		1 objecting containing	34 signatories		
		0 supporting containing	0 signatories		

8.2 The following concerns were raised in representations about the development:

- Design, scale, height and density
- Overshadowing
- Out of context and detrimental impact on the Conservation Area
- Proposal not in accordance with policy SP02 of the Core Strategy.
- Building significantly larger than existing building
- Traffic problems
- Overshadow the entrance to the park

9. MATERIAL PLANNING CONSIDERATIONS

9.1 The main issues arising from the development which were judged to be acceptable in respect of the previous application relate to the access and layout of the proposal. In particular, planning issues which are considered relevant are as follows:

1. Land use
2. Design
3. Amenity
4. Highway and transportation issues

9.2 As previously highlighted, while the application is determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, the consideration to be had in this particular case relates any significant change in development plan policies and other material considerations since the grant of the original permission back in September 2008.

9.3 Since the grant of planning permission, a number of relevant national and regional guidance and adopted policy as set out in the development plan have been updated. This include new

PPS3 (Housing) updated on 9 June 2011 (which replaced PPG3), PPS5 (Heritage Assets) published on 29th March 2010 (which replaced PPG15) and the adopted London Plan 2011, which replaced the London Plan (consolidated with alterations since 2004) 2008.

- 9.4 The Council has also adopted its Core Strategy on September 2010.
- 9.5 For the purpose of decision making, the statutory development plan documents which now pertain are:
- The London Plan 2011;
 - The adopted Core Strategy 2010
 - The saved policies of UDP 1998;

In addition to these documents, policies contained within the Interim Planning Guidance (2007) represent material considerations.

The Council is currently in the process of finalising a Supplementary Planning Document (SPD) on s106 Contributions. The draft SPD was presented to the Tower Hamlets Mayor and Cabinet on 6th July 2011 and has been the subject of public consultation.

- 9.6 As a result of this endorsement, the draft document can be afforded some weight as a planning consideration, but its weight is lessened until such time as the SPD has been approved (once the outcome of public consultation has been formally considered and the SPD finalised).

Land Use

- 9.7 The current use of the site is residential and the principle of continued residential use of the site is considered acceptable. The Council's Development Plan policies have not significantly altered since the grant of the original consent and as such, there is no policy objection on the use of the site for residential purposes.
- 9.8 The proposal is therefore in accordance with policy 3.3 and 3.4 in the London Plan, as it is a suitable site for increased residential density.

Density

- 9.9 The London Plan density matrix highlighted by policy 3.4 suggests that densities within urban areas with moderate transport links (PTAL 2-3) should be within the range of 200-700 habitable rooms per hectare. This approach is supported by policy HSG1 of the Interim Planning Guidance and policy SP02 (2) of the Core Strategy (2011) which seek to correspond housing density to public transport accessibility and proximity of town centres.
- 9.10 Policy HSG1 of the IPG specifies that the highest development densities, consistent with other plan policies, will be sought throughout the Borough. The supporting text states that, when considering density, the Council deems it necessary to assess each proposal according to the nature and location of the site, the character of the area, the quality of the environment and type of housing proposed. Consideration is also given to standard of accommodation for prospective occupiers, impact on neighbours and associated amenity standards.
- 9.11 Proposed density of the scheme is 1,272 habitable rooms per hectare. Whilst this is over the density range for an urban site, it should be acknowledged that density only serves as an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:

- Access to sunlight and daylight;
- Lack of open space and amenity space;
- Increased sense of enclosure;
- Loss of outlook;
- Increased traffic generation; and
- Impacts on social and physical infrastructure.

9.12 As with the previous application back in 2008, it is not considered that the proposed scheme gives rise to any of the abovementioned symptoms of overdevelopment. As such, the density is considered acceptable given that the proposal poses no significant adverse impacts and is appropriate to the area context.

Housing

9.13 In accordance with polices 3.3 and 3.4 of the London Plan, the London Mayor is seeking the maximum provision of additional housing in London. The site is considered to be an appropriate location to meet this demand given the established residential use within this area and access to local services.

9.14 The table below shows the proposed housing mix:

	Market Sale		Shared Ownership		Social Rented		Total	
	Units	Habitable Rooms	Units	Habitable Rooms	Units	Habitable Rooms	Units	Habitable Rooms
1 bed	10	20	2	4	3	6	15	30
2 bed	14	42	-	-	2	6	16	48
3 bed	3	12	1	4	5	20	9	36
Total	27	74	3	8	10	32	40	114
Total %		65%		7%		28%		

9.15 The housing mix would provide for a mix of 1, 2 and 3 bedroom units in accordance with policy HSG7 in the UDP 1998 and policy HSG2 in the Interim Planning Guidance (October 2007). This mix of units result in 22.5% of the total units being suitable for families (three bed plus). Whilst this is not in accordance with Policy SP02 (5b) of the Core Strategy which requires 30%, given the number of units the scheme entails and compliance with other housing policies (see paragraph 8.16), this mix is considered acceptable.

9.16 The proposal would provide 13 affordable units equating to 35% on a habitable room basis in accordance with policy HSG3 in the Interim Planning Guidance (October 2007). The proposal would therefore meet housing need within the Borough and would provide a total of 9 family sized units in accordance with policy HSG7 in the UDP 1998 and HSG2 in the Interim Planning Guidance (October 2007) which seek to ensure the provision of family sized accommodation within the borough (defined as 3 or more bedrooms).

9.17 The proposal provides an acceptable provision of family sized accommodation. Within the social rented element, 5 family units would be provided. This equates to 46% of the total affordable housing. The proposal therefore meets the requirements of HSG2 in the Interim Planning Guidance (October 2007) and also policy SP02(5b) which requires 45% of new social rented units to be for families.

9.18 Overall, thirty-two of the proposed units would have private amenity space in the form of a balcony or terrace. All other units would have direct access to garden space. The scheme also proposes a communal terrace on the fifth floor for the use of all residents. The communal terrace provides amenity space in excess of 100sqm and is therefore in accordance with policy HSG7 in the Interim Planning Guidance (October 2007). It is considered that in conjunction with the close proximity of Victoria Park, the proposed units

would have adequate access to amenity space. The proposed units would have acceptable internal space standards in accordance with council guidance.

Demolition of Existing Building.

- 9.19 Since the granting of the conservation area consent in 2007, the Government has introduced Planning Policy Statement 5: Planning and the Historic Environment (PPS5). This is a material planning consideration in the determination of the extension of time application as well as the application for conservation area consent.
- 9.20 The Council's relevant policy concerning demolition in conservation areas is saved policy DEV28 of the Unitary Development Plan (1998).
- 9.21 Policy DEV28 states proposal for the demolition of buildings in conservation areas will be considered against the following criteria:
1. The desirability of preserving or enhancing the character or appearance of the area
 2. The condition of the building
 3. The likely cost of the repair or maintenance of the building
 4. The adequacy of efforts to maintain the building in use and:
 5. The suitability of any proposed replacement building.
- 9.22 The existing building is not considered to be of high architectural merit and whilst the building does not harm the character and appearance of the conservation area, it is not considered to contribute positively to the site and its surroundings. This is compounded by the appearance of the extensive car parking area and the limited prominence in relation to the grand entrance to Victoria Park
- 9.23 It is considered that a more prominent building could be accommodated at this important junction between Sewardstone Road and Approach Road.
- 9.24 As such, it is considered that the demolition of the existing building can be supported subject to a high quality, well designed scheme that enhances the site characteristics, close to one of the primary entrances to Victoria Park.
- 9.25 The demolition is considered acceptable subject to a suitable replacement scheme on the site. Therefore a condition will be attached to any conservation area consent granted, requiring that demolition shall not take place until permission has been granted for a replacement scheme on the site.
- 9.26 The proposal is therefore considered acceptable and in accordance with saved policy DEV28 in the Unitary Development Plan 1998.
- 9.27 Policy HE9.2 of PPS5 states that where an application leads to a total loss of significance, the local planning authority should refuse consent unless it can be demonstrated that the loss of significance is necessary in order to deliver substantial public benefits that outweigh the harm. A further exception can be justified where the harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use. Policy HE9.4 recognises that the greater the harm to the significance of the asset, the greater the justification will be needed for the loss. As previously advised, whilst the existing building does not harm the character and appearance of the conservation area, officers are of the view it does not positively contribute to character and appearance. Furthermore, the loss of the building needs to be balanced against the benefits of the proposed redevelopment, including the quality of the replacement building along with the capacity of the site to deliver affordable housing. This further justifies the loss of the existing building.
- 9.28 In this instance, the proposed development, which is considered acceptable in terms of

design, siting and location, along with the provision of 35% affordable housing would significantly outweigh any issues associated with the loss of the existing building.

- 9.29 It is therefore considered, that the proposed demolition of the existing building to maximise the development potential of the site, whilst also securing affordable housing is in accordance with the government guidance found in PPS5.

Design

- 9.30 Additional policies regarding design are now applicable since the granting of the original application in 2008 by virtue of adoption of the Core Strategy (2010) and the London Plan (2011).
- 9.31 Good design is central to all the objectives of the London Plan. Policy 7.4 of the London Plan states *'Development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientations of surrounding buildings'*. These principles are also reflected in saved policies DEV1 and DEV2 of the UDP 1998 and the Interim Planning Guidance (October 2007).
- 9.32 The London Plan encourages the intensification of brownfield sites and policy 3.4 seeks to ensure developments maximise the potential of sites. The redevelopment of the site is considered to improve the appearance of the site, whilst providing a recognised housing need. The proposal is therefore considered an efficient use of a brownfield site.
- 9.33 This is emphasised further within policy SP10 of the adopted Core Strategy (2010) which seeks to preserve or enhance the Boroughs built heritage and historic environment.
- 9.34 Policy DEV2 of the Interim Planning Guidance (October 2007) reiterates DEV1 of the UDP 1998 and states that developments are required to be of the highest quality design, incorporating the principles of good design.
- 9.35 The Council's policy position on the design of the scheme has not changed by virtue of these policies.
- 9.36 The proposed building would be six storeys in total and would step down at the Bishops Way and Approach Road elevations. The approach to redevelopment of the site is a contemporary one. The materials proposed would be a mix of brick and natural finished zinc with timber detailing. The materials would respond to the natural environment of Victoria Park and would pick up reference from the brick buildings within the locality. The proposed building layout responds to the shape of the site by following the boundary of the site, providing a clearly defined street frontage. This is considered an acceptable approach.
- 9.37 Whilst the building would be higher than some of the neighbouring properties, it is considered that the design would be appropriate within the context of the area. The proposal takes cue from the surrounding post war buildings which are 5 and 6 storeys in height. The proposal would step back at the upper levels to define its corner element. The articulation of heights within the proposal will provide architectural interest to the design and would respect the surrounding built form in terms of height and scale.
- 9.38 The proposal would accommodate acceptable cycle and waste storage in accordance with DEV15 in the Interim Planning Guidance (October 2007).
- 9.39 The proposed bulk, mass and scale is considered appropriate in this location and would not appear overly dominant within the streetscene, nor would it over dominate the entrance to Victoria Park. The proposal would provide a contemporary addition that would rejuvenate the site and provide a high quality development whilst respecting the character of its surroundings. Subject to a condition requiring material samples to ensure a high quality

finish, the proposed materials are considered appropriate. The proposal is considered to preserve and enhance the character and appearance of the Victoria Park Conservation Area in accordance with policy SP10 of the adopted Core Strategy (2010) and policy CON2 in the Interim Planning Guidance (October 2007).

9.40 To this end, the proposal takes into account and respects the local character and setting of the development site, through:

- The provision of a scale and form of development that it appropriate for this area;
- High quality design;
- A condition requiring materials to be completed in accordance with the approved materials;
- Efficient use of a brownfield site; and
- The provision of good quality housing in accordance with identified need.

9.41 Overall, it is considered that the proposal represents a design, massing and scale which achieve a positive response to the sites context, including its relationship with surrounding buildings. On the basis of the above, the proposal satisfies the requirements of policy SP10 of the Core Strategy (2010), saved policy DEV1 of the adopted Unitary Development Plan and policy DEV2 of the Interim Planning Guidance (October 2007) and is considered acceptable.

Accessibility & Inclusive Design – Safety & Security

9.42 Saved policies DEV1 and DEV2 in the UDP 1998 and policy DEV3 of the Interim Planning Guidance (October 2007) seeks to ensure that development incorporates inclusive design principles and can be safely, comfortably and easily accessed and used by as many people as possible.

9.43 The proposal provides a level approach from the pavements. Moreover, it would provide for 10% wheelchair accessible units. This will be secured by condition.

9.44 Further saved Unitary Development Plan Policies DEV1 and DEV2 and Policy DEV4 of the Interim Planning Guidance seek to ensure that safety and security within development and the surrounding public realm are optimised through good design and the promotion of inclusive environments. Policy DEV4 in the Interim Planning Guidance (October 2007) seeks to ensure safety and security of development by incorporating principles such as ensuring building entrances are located and designed to be visible, designing development to face the street with active frontages and by creating opportunities for natural surveillance of the public realm.

9.45 The proposal has been designed to face the street and would therefore provide opportunities for natural surveillance. The entrance will be in line with the front of the building to reduce opportunity for loitering. As such, the proposed entrances have been designed to be visible and secure. The proposed design is considered to take into consideration secure design principles and meets the requirements of policy DEV4 in the Interim Planning Guidance (October 2007).

Amenity

9.46 Saved Policy DEV2 in the UDP 1998 and Policy DEV1 of the Interim Planning Guidance seeks to ensure that development where possible, protects and enhances the amenity of existing and future residents as well as the amenity of the public realm.

9.47 The development is considered to have an appropriate relationship with existing adjoining properties. Subject to the original conditions, the resulting development is not considered to have an adverse impact on neighbouring residential amenity in terms of noise and nuisance,

loss of sunlight and daylight or outlook. Furthermore, these matters were considered in the 2008 application and there has not been a change in policy to consider otherwise.

- 9.48 Given the scale of the proposal, the open aspect of the site and distance from other neighbouring properties and windows, it is not considered there would be any unacceptable overshadowing or loss of light. It is not considered the proposal would cause unacceptable overshadowing to the entrance to Victoria Park. Windows closest to the development are within the flank elevation at Reynolds House. These windows appear to be secondary windows serving bathrooms or bedrooms. Given their current northern aspect and open aspect to either side, it is considered in conjunction with the distance of the proposal, there would not be an unacceptable loss of daylight and sunlight and a refusal could not be sustained on these grounds.
- 9.49 Given the location of the proposal, orientation and distance from neighbouring windows, there would be no unacceptable direct overlooking as a result of the development. It is not considered any of the balconies would give rise to unacceptable overlooking and loss of privacy. Windows to the south elevation would overlook the windows in Reynolds House. However, a condition requiring obscure glazing of all proposed south east facing windows overlooking Reynolds House should ensure that there is no unacceptable overlooking as a result of the development.
- 9.50 The proposed units would have acceptable internal space standards in accordance with Council guidance. Thirty-two of the proposed units would have private amenity space. The scheme also proposes a communal terrace on the fifth floor for the use of all residents. Whilst there is no child play space provided, given the close proximity of Victoria Park, it is considered the proposed units would have adequate access to amenity space and a refusal could not be sustained on these grounds.

Transport & Highways

- 9.51 Both the Unitary Development Plan and the Interim Planning Guidance contain a number of policies which encourage the creation of a sustainable transport network which minimises the need for car travel, lorries and supports movements by walking, cycling and public transport.
- 9.52 There has been no change in the policies relating to transportation or servicing. The requirements of Council's highways are as before, and measures are secured by conditions.
- 9.53 In summary, the applicant has provided 40 cycle spaces (one per unit) and the development was previously approved as car free.

OTHER

Energy

- 9.54 A condition was imposed in the 2008 consent for further details on the energy and sustainability strategy to be submitted to ensure that the proposed development meets Council Policies. It is considered a similar condition requiring compliance with the London Plan (2011) would be sufficient to ensure the development is energy efficient and provides renewable energy.

S106 Contributions

- 9.55 Policy SP13 of the Adopted Core Strategy requires the Council to negotiate planning obligations in relation to propose developments.
- 9.56 According to circular 05/05 planning obligations must be:

- (i) relevant to planning;
- (ii) necessary to make the proposed development acceptable in planning terms;
- (iii) directly related to the proposed development;
- (iv) fairly and reasonably related in scale and kind to the proposed development; and
- (v) reasonable in all other respects.

9.57 It is noted, that since the granted of the original planning permission in 2008, the Council has produced a supplementary planning document (SPD) which outlines current Council requirements on the level of contributions that are sought in planning applications.

9.58 The original planning permission secured the following planning obligations via a S.106 legal agreement.

- 35% Affordable Housing (including 5 social rented family sized units)
- Car Free Agreement
- Education contribution £61,710

9.59 The delivery of affordable housing, sustainable transport and education are listed as the Councils priorities when securing s106, as outlined in Policy SP13 of the adopted Core Strategy (2010).

9.60 The Council considers that these obligations meet the test for S.106 contribution and consider that they should be carried through to this extension of time application via a deed of variation.

9.61 Whilst it is acknowledged that the Council has produced a SPD on S.106, it is considered that a renegotiation of S.106 would be difficult to justify given this document has not been adopted and given the level of S.106 already secured.

9.62 It is also considered difficult to justify any introduction of additional heads of terms to those agreed in 2008 given the scheme has not changed.

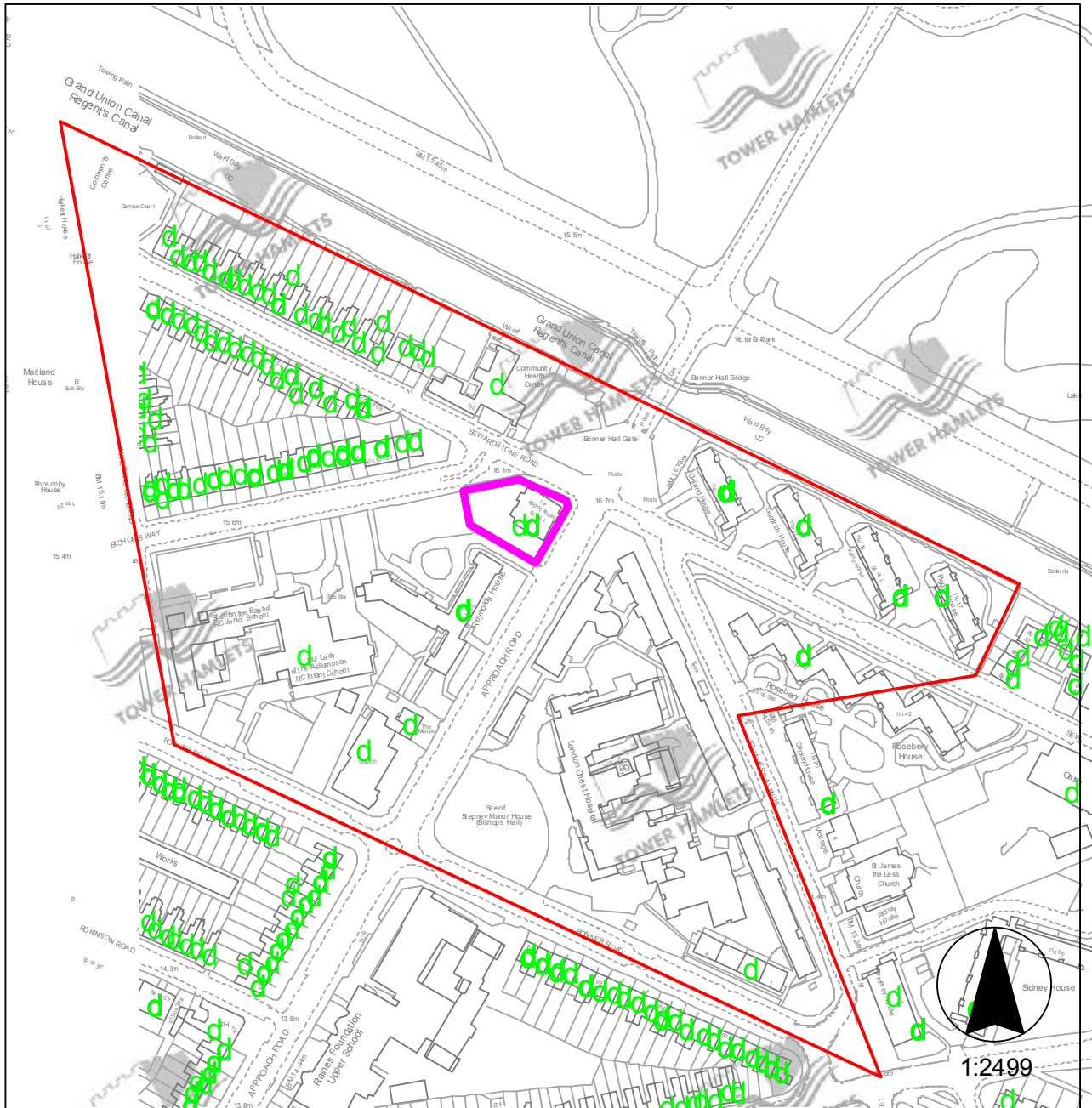
9.63 As well as this, given the original development was not implemented due to the economic downturn, it is considered that a further request for S.106 contributions would render the scheme unviable and against the objectives of the extension of time process.

10.0 CONCLUSIONS

10.1 The proposal will re-develop an existing site with a modern high quality, residential scheme which maximises the site potential and provides a contemporary development along this area. The existence of an extant planning permission for the same scheme acts as a material consideration in determination of this case. There are no significant material changes in circumstances or in policy that would prohibit the use of the new procedures to extend the time element of the permission.

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

Site Map



Legend

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

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

Agenda Item 7.4

Committee: Development	16 November 2011	Classification: Unrestricted	Agenda Item No: 7.4
Report of: Director of Development and Renewal		Title: Conservation Area Consent	
Case Officer: Kamlesh Harris		Ref No: PA/11/01919	
		Ward(s): Mile End East	

1. APPLICATION DETAILS

- Location:** 40-50 Southern Grove, London E3 4PX
- Existing Use:** Resource Centre and Community Centre
- Proposal:** Demolition of all existing buildings to the south of the Victorian Southern Grove Lodge.
- Drawing Nos:** P00102C and P00601C
- Supporting Documents:** Heritage Impact Statement – dated July 2011
- Applicant:** Bouygues UK
Elizabeth House
39 York Road
London SE1 7NQ
- Owner:** London Borough of Tower Hamlets
- Listed Building:** Not applicable
- Conservation Area:** The Southern Grove Lodge Extension situated to the north east of the application site is located within the Tower Hamlets Cemetery Conservation Area. The remaining buildings, namely Wilfred Reeve Centre, Resource Centre and Boiler House are not included within the conservation area boundary.

2.0 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 Adopted Core Strategy 2010, the London Borough of Tower Hamlets Unitary Development Plan 1998 and associated supplementary planning guidance, the Council's Interim Planning Guidance 2007 and Government Planning Policy Guidance and has found that:

1. The proposed demolition of the Southern Grove Lodge Extension is considered appropriate in respect of demolition in a Conservation Area. The demolition of this building would have a neutral impact on the character and appearance of the Tower Hamlets Cemetery Conservation Area. The proposal therefore accords with PPS5: Planning and the Historic Environment, saved policy DEV28 of the adopted Unitary Development Plan (1998), CON2 of the Interim Planning Guidance (October 2007) and SP10 of the Adopted Core Strategy. These policies seek to ensure that demolition within conservation areas seeks to preserve or enhance conservation area character and appearance.

3.0 RECOMMENDATION

3.1 That the Committee resolve to refer the application to the Secretary of State with the recommendation that the Council would be minded to grant Conservation Consent subject to conditions as set out below:

- § 3 year time period
- § Salvage historic materials from the Southern Grove Lodge extension building
- § Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

Informative

1. This Conservation Area Consent should be read in conjunction with planning application PA/11/01918

4.0 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application seeks conservation area consent to demolish the Southern Grove Lodge Extension which is a building included within the Tower Hamlets Cemetery Conservation Area.
- 4.2 This demolition (along with the demolition of other buildings on the site, not included within the conservation area) is required in order to facilitate the redevelopment of the site as part of the Government's Building Schools for the Future (BSF) Programme. The redevelopment of the site involves the provision of new premises for the existing Beatrice Tate School, a Special Education Needs (SEN) currently situated in Bethnal Green. This forms the basis of the full planning permission application which was determined on 31 October 2011.

Site and Surroundings

- 4.3 The site is located in Southern Grove to the south of Mile End Road. Further south is Hamlets Way and the Tower Hamlets Cemetery. The east of the site is bounded by the rear gardens of residential properties along Brokesley Street. The application site comprises, the 1970's 2/3 storey Wilfred Reeve Centre and Resource Centre and also, the Southern Grove Lodge Extension and a small boiler house. To the north of the site, is the vacant 1980s office building and the Southern Grove Lodge.
- 4.4 The entire Southern Grove site was formerly occupied by the Whitechapel Union Work house, built in the late 19th century. The buildings proposed for demolition are further south and more modern in appearance, except for the extension to the Southern Grove lodge which is a later addition of the 19th century building and served as a boiler house.
- 4.5 The Wilfred Reeve Centre is a two storey red brick building with a shallow pitched concrete tiled roof, uPVC windows and coloured panelling beneath. The Resource Centre, also known as Charles Key Lodge, is a part one and part two storey red brick building with similar roof profile as Wilfred Reeve Centre and with plastic windows, plastic boxed eaves and white panelling on its elevation. The small boiler house, situated towards the south eastern corner of the site is a single storey red brick structure. The Southern Grove Lodge Extension is situated towards the north eastern corner of the application site and is the only building included within the Tower hamlets Cemetery Conservation Area. This building is a later addition of the former work house and is constructed in yellow stock brick and arched sash windows with red brick headers, stone cills and keystones. This building is in a very poor state of repair.

- 4.6 The west of the site and along most of Southern Grove on the opposite side of the application site, the area is predominantly residential, ranging from tower blocks and smaller six storey residential flats.

Relevant Planning History

- 4.7 PA/09/02065 Regeneration of Eric and Treby Estate comprising the refurbishment of existing buildings, the demolition of 14 bed-sit units at 1-14 Brokesley Street and the erection of buildings between 1 and 7 storeys to provide 179 residential units (comprising: 19 x studio, 61 x 1 bed, 52 x 2 bed, 38 x 3 bed and 9 x 5 bed), two new community buildings of 310sq.m and 150sq.m, a new housing management office of 365sq.m and 251sq.m of commercial space and the introduction of an estate wide landscape improvement scheme. Permitted 22 March 2010 by the development committee.
- 4.8 PA/11/01918 Demolition of existing buildings and erection of a part two and part three storey school building with associated landscaping, car parking and access points. This application was determined on 31 October 2011.

5.0 POLICY FRAMEWORK

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

5.2 Adopted Core Strategy 2025 Development Plan Document (September 2010)

Policies:	SP07	Improving education and skills
	SP10	Creating distinct and durable places

5.3 Unitary Development Plan 1998 (as saved September 2007)

Policy	DEV28	Demolition of buildings in conservation areas
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5.4 Interim Planning Guidance for the purpose of Development Control (October 2007)

Policy	CON2	Conservation Areas
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5.5 Government Planning Policy Guidance/Statements

PPS5	Planning and the Historic Environment
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6.0 CONSULTATION RESPONSE

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

English Heritage (Statutory Consultee)

- 6.2 The service wing building situated at the north eastern corner of the application site incorporates attractive brickwork details and distinctive cast iron window frames. The internal roof structure includes elegant ironwork. Any demolition should be considered against all of the relevant policies in PPS5 and local policies. The council is urged however to consider options for new use of the structure associated either with the proposed school or with a restored Southern Grove Lodge.

7 LOCAL REPRESENTATION

- 7.1 A total of 279 neighbouring properties within the area shown on the map appended to this report were notified about the full planning permission application under reference

PA/11/01918. 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: 0 Objecting: 0 Supporting: 0

7.3 No of Petitions: 0 Objecting: 0 Supporting: 0

8 MATERIAL CONSERVATION CONSENT CONSIDERATIONS

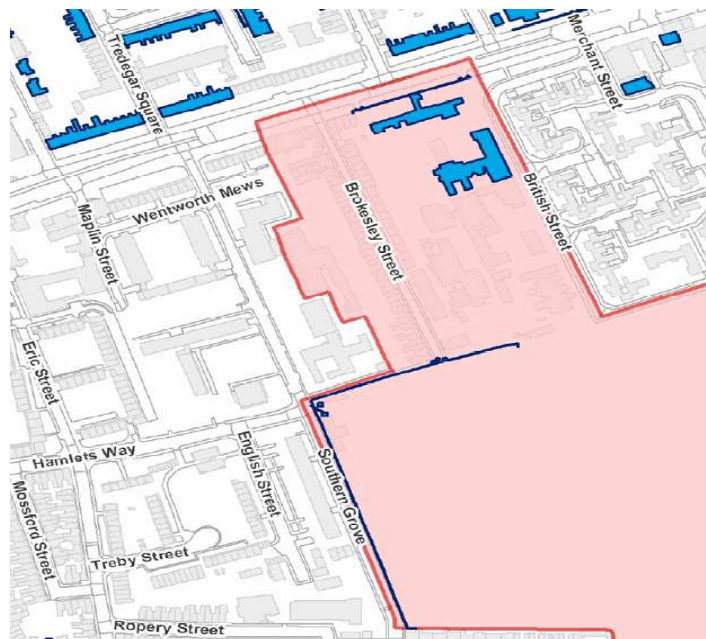
8.1 The issue that is material to this application for conservation area consent is the impact of the demolition on the character and appearance of the conservation area.

Impact on the Tower Hamlets Cemetery Conservation Area.

8.2 Three of the buildings proposed to be demolished are not included within the conservation area and as a consequence and unlike the Southern Grove Lodge Extension, conservation area consent is not required for the works. The Tower Hamlets Cemetery Conservation Area was designated in November 1987 and is centred on the Victorian cemetery park in Bow.

8.3 The Tower Hamlets Cemetery Conservation Area Appraisal does not specifically mention the extension to the lodge or the Southern Grove Lodge itself. However, the Southern Grove Lodge is recognised as the sole survivor of the original 1872 workhouse, the centrepiece of the original development and the most important part of the Victorian property.

8.4 The Southern Grove Lodge Extension, whilst having some limited architectural merit, remains in a very poor state. Whilst it is acknowledged that the conservation area boundary extends west so as to include this structure (see map below), the main Southern Grove Lodge complex (situated to the north) remains the most predominant feature, in terms of the character and appearance of this part of the conservation area.



8.5 Saved policy DEV28 of the Unitary Development Plan 1998 states that demolition of buildings in a conservation area would be assessed against the desirability of preserving or enhancing the character or appearance of the area, the condition of the buildings and the likely costs of their repair and the significant difficulties to incorporate retained fabric as part

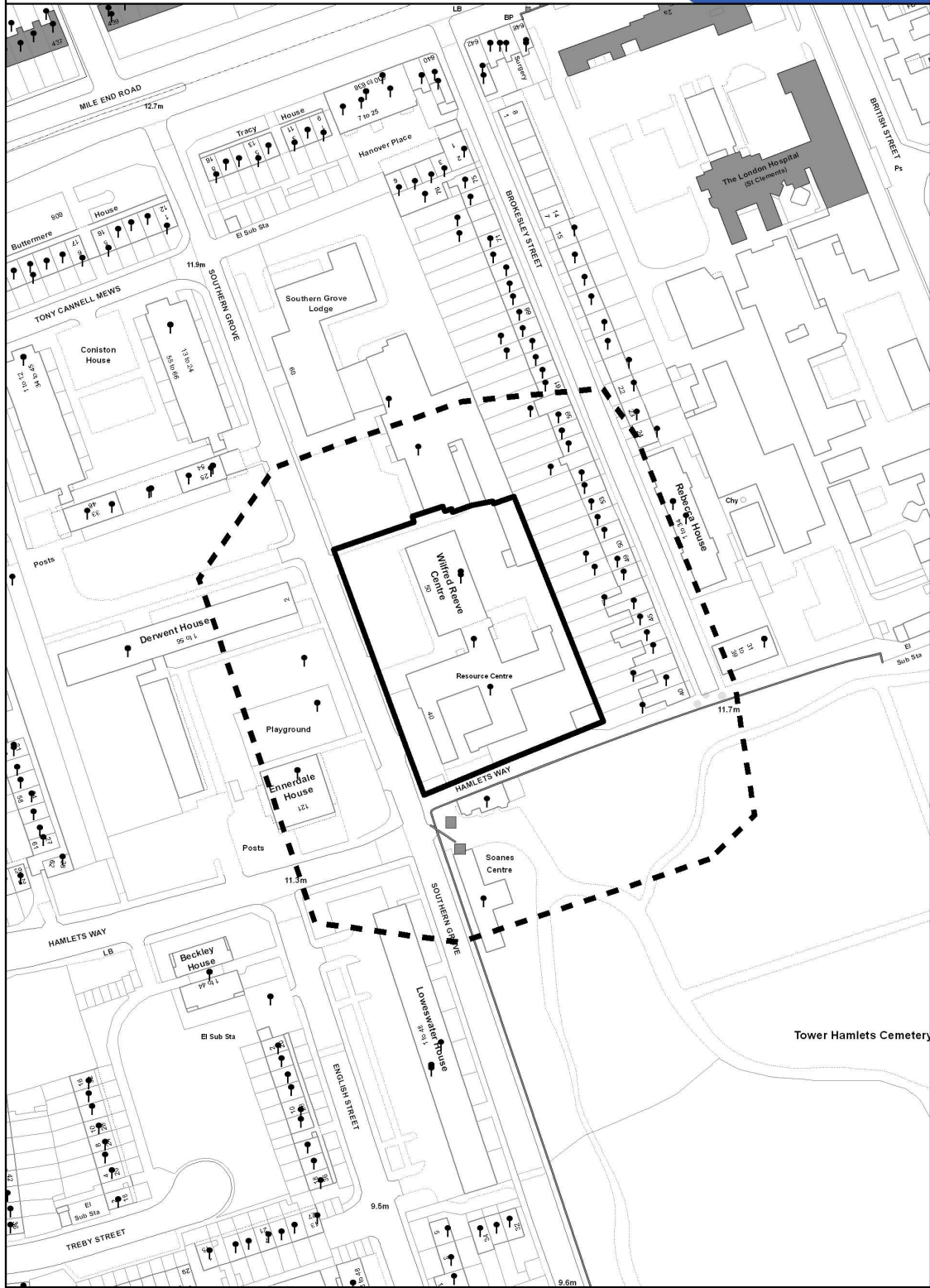
of future redevelopment proposals. Emphasis is also placed on the suitability of any proposed replacement building. In this instance, this takes precedence both in terms of the suitability and design, future use of the site and the special educational needs of the pupils of the Beatrice Tate School. It is considered that the education and public benefits of the proposed scheme outweigh the loss of the Southern Grove Lodge Extension.








- 8.6 The proposed demolition is therefore considered acceptable and would have a neutral impact on the character and appearance of the conservation area. The other buildings are dated around the early 1970s and are of no architectural, historic interest or merit and do not positively contribute to the townscape or the area. In any case, these buildings are situated outside the conservation area and conservation area consent is not required for their demolition.
- 8.7 English Heritage has described the Southern Grove Lodge Extension as being a building with attractive brickwork details and distinctive cast iron window frames. Furthermore, the internal roof structure includes elegant ironwork and whilst it is acknowledged that the building is in poor condition and is not worthy of retention, it seems appropriate to attach a condition to the conservation area consent so as to salvage materials to be re-used elsewhere, to ensure that the main historical features of the building are not permanently lost.
- 8.8 The Beatrice Tate School is in need of additional teaching space to accommodate a projected increase in pupil numbers. This site can provide the additional space required as it is bigger than the existing site in Bethnal Green. Overall, the demolition of all the buildings on site is considered to be outweighed by the substantial public benefit which this scheme offers in terms of the improved and additional specialist educational facilities and the enhancement that the new replacement scheme will bring to the area in general.
- 8.9 For the above reasons, it is considered that the demolition of the Southern Grove Lodge Extension will preserve the character and appearance of the conservation area and any impact of its loss will be outweighed by the benefits arising out of the redevelopment of the site. The Southern Grove Lodge extension does not form the most important feature of the Southern Grove Lodge complex and its loss would not harm the character and appearance of the conservation area. This proposal would be in line with saved policy DEV28 of the Unitary Development Plan (1998), policy SP10 of the Adopted Core Strategy and CON2 of the Interim Planning Guidance (October 2007).

Conclusion

- 8.10 All other relevant policies and considerations have been taken into account. It is considered that Conservation Area Consent 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	 1:1,750
 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: 16 November 2011	Classification: Unrestricted	Agenda Item Number: 8.1
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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/11/01186
Site:	17 Duff Street E14 6DL
Development:	Erection of a roof extension along with the installation of three Velux roof lights
Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.2 The main issue in this case was the impact of the proposed development on the character and appearance of the Lansbury Conservation Area, having regard to

the scale, bulk and design of the development and the use of materials.

- 3.3 The Planning Inspector was critical of the design of the proposed rear dormer extension. He concluded that the dormer would have appeared visually bulky when viewed from adjoining properties and from Rigden Street. He also observed that the proposed windows would not have properly aligned with other windows found in the property.
- 3.4 Overall, he concluded that the proposal would have appeared visually discordant and would have harmed the character and appearance of the conservation area. He also found that examples of other dormer extensions were generally isolated and did not point to a general acceptance of the approach.
- 3.5 The appeal was DISMISSED.

Application No:	PA/10/02510
Site:	Land Adjacent to Bridge Wharf, Old Ford Road, London, E2 9PR
Site:	Erection of 2x3 storey, 4 bedroom houses
Council Decision:	REFUSE (Development Committee)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.6 The main issues in this case included whether the proposal would have preserved or enhanced the character and appearance of the Victoria Park and Regent's Canal Conservation Areas and whether the proposal would have been detrimental to vehicle and pedestrian safety.
- 3.7 The Planning Inspector acknowledged that the immediate site context was very challenging in terms of securing an appropriate design and he concluded that the proposed design of the 2 houses would not have been successful in addressing the visual context of the site. He concluded that the proposal would have introduced a new shape and form of building which would not have directly aligned with the road and he felt that the new development would have resulted in an uneasy relationship with the curved horizontal forms of Bridge Wharf and the more stark verticality of Vellutri House. He felt that the development would have resulted in rather cluttered mix of forms and finishes which, he concluded, would have been more emphasised following the crown reduction of the nearby mature weeping willow trees. He felt that the appearance of a small but important part of the conservation area would have been changed to its detriment.
- 3.8 The Planning Inspector recognised the important canal side character (with the Willow trees being prominent within vista when seen from the tow path on the opposite bank). He concluded that the loss of openness, being replaced by a tight infill scheme, would have been unacceptable. Whilst he accepted that the proposed houses had been well designed, they would not have been appropriate to their context. He concluded that the proposed development would not have made a positive contribution to the character and appearance of the conservation area.
- 3.9 In terms of highway safety, the Planning Inspector was not persuaded that just

2 houses would have made a material difference, especially as the front doors would have been set back from back edge of footway and separated by a zone of hard paving. He concluded that the number of pedestrians using the footway would have been increased, only marginally.

3.10 The appeal was DISMISSED.

3.11 This represents a worthwhile decision and will be useful when considering the impact of development of the character and appearance of conservation areas, especially where conservation area character is determined by degrees of openness as well as built character, scale of development and architectural styles.

Application No:	PA/11/00703
Site:	Heckford House, Grundy Street, London, E14 6AE
Development:	Erection of a two storey wing comprising 3x2 bedroom houses together with internal alterations to the existing building and the provision of a cycle storage and landscaped amenity area.
Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

3.12 The main issues in this case were as follows:

- The impact of the development on the provision of open space in the Borough;
- Design considerations and the impact of the development on the character and appearance of the conservation area;
- Effect of the development on the supply of family sized accommodation in the Borough.

3.13 This appeal considered whether a communal rear garden can be treated as open space (which is protected by Policy SP04 of the adopted Core Strategy). The Planning Inspector concluded that Policy SP04 did not apply and was not satisfied that the Council had demonstrated satisfactorily why the rear communal area should be treated as open space. He was satisfied that the applicant had shown adequate garden space for the proposed units as well as retained gardens for the existing 6 flats.

3.14 The Planning Inspector was more concerned about the loss of the open area from a conservation area character point of view. He referred to the Lansbury Conservation Area Appraisal which acknowledges that low rise development, along with the gardens and open land on the estate contributed to the area's character.

3.15 In terms of design, the Planning Inspector was concerned about the proposed form of the extension. He was concerned that the proposed extension would have been presented as an avowedly modern and strident design which would have related poorly to the host building and the surrounding context. He concluded that the character and appearance of the conservation area would

have been permanently harmed.

3.16 With only a small reduction in the number of three bedroom units (as part of this proposal) and with the use of this existing bedroom to provide secure on site cycle facilities, the Inspector concluded on balance that this, in itself, was not a significant scheme deficiency.

3.17 The appeal was DISMISSED

4. NEW APPEALS

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

Application No:	ENF/11/00034
Sites:	Seth Court, Parmiter Industrial Centre, Parmiter Street, London
Development	Erection of a five storey building comprising 98 studio flats without the necessary planning permission
Council Decision	Instigate Enforcement Action (delegated decision)
Start Date	10 October 2011
Appeal Method	HEARING

4.2 The Council had previously granted planning permission in June 2008 for the demolition of the former industrial buildings and the redevelopment of the site consisting of 4 blocks providing 106 studio apartments, 1,969 sq metres of student accommodation, 2,629 sq metres of commercial floorspace and an 80 sq metres café. Seth Court (known at the time as Block D) was approved as commercial at 1st and 2nd floors with student accommodation on the 3rd, 4th and 5th floors. The first and second floors are being used as 44 residential studio units (instead of commercial floorspace) and the 3rd, 4th and 5th floors are being used as 54x1 bedroom self contained units available for rent to private tenants. There are a number of conditions attached to the initial planning permission that have not been complied with.

4.3 The planning enforcement notice requires the permanent cessation of the use of the building as residential flats, the removal of the building from the land and the removal of all debris and materials from the land and making good.

4.4 The developer has appealed on the grounds that the requirements specified in the notice are excessive and the times given to comply with the notice (between 4 months and 12 months depending upon the notice requirements) are too short. It is possible that a further application for planning permission may be received in the future for an alternative form of development.

Application No:	ENF/09/00507
Site:	572-574 Roman Road E3 5ES
Development:	Installation of a unauthorised shop front
Council Decision:	Instigate Enforcement Action (delegated decision)
Start Date	5 October 2011
Appeal Method	WRITTEN REPRESENTATIONS

- 4.5 The Council previously refused planning permission for a replacement shop front (to the Iceland Store in Roman Road). This refusal of planning permission was appealed some time ago and the Council was successful in its defence that the shop front design was inappropriate, failing to preserve or enhance the character and appearance of the conservation area.
- 4.6 The subsequent enforcement notice required the removal of the shop front and perforated roller shutter and the re-instatement of the traditional art deco shop front. The notice also required the removal of the unauthorised air conditioning units. The developer has appealed the enforcement notice on the grounds that the requirements specified in the notice are excessive and the time given to comply with the notice (6 months) is too short a period.

Application No: PA/11/01439
Site: 77 Chambard Street E2 7NJ
Development: Extension of property to provide an additional floor to the existing two storey property
Council Decision: Refuse (delegated decision)
Start Date 24 October 2011
Appeal Method WRITTEN REPRESENTATIONS

- 4.7 This planning application was refused on grounds of design, failing to accord with the uniform roof scape, local character and local distinctiveness.

Application No: PA/11/00490
Site: 5 Mile End Road E1 4TP.
Development: Change of use from A1 to A5 (hot food takeaway) use with the installation of rear ducting
Council Decision: Refuse (delegated decision)
Start Date 26 October 2011
Appeal Method WRITTEN REPRESENTATIONS

- 4.8 This application was refused on grounds of loss of local shopping facilities and the over-concentration of A3-A5 uses in the immediate vicinity.

Application No: PA/11/01376
Site: 477, The Highway E1W 3HY
Development: Display of an internally illuminated 48 sheet advertisement hoarding
Council Decision: Refuse (delegated decision)
Start Date 14 October 2011
Appeal Method WRITTEN REPRESENTATIONS

- 4.9 Advertisement consent was refused on grounds of visual impact, with the advert being over dominant, introducing a discordant feature into the street scene and leading to visual clutter.

Application No: PA/10/02666
Site: Claremont Court, 272 Cambridge Heath Road E2 9DA
Development: Erection of two four storey buildings providing space for 9 residential apartments (6x1 bed, 2x3 bed and 1x2

Council Decision: *bed)*
Start Date *Refuse (delegated decision)*
Appeal Method *4 October 2011*
WRITTEN REPRESENTATIONS (although officers have requested a HEARING)

- 4.10 The planning policy issues associated with this case involve the failure to deliver affordable housing (with some questions over incremental delivery) and the failure to maximise the development potential of the site and, in doing so, the failure to deliver further affordable housing capacity.
- 4.11 This will be an interesting appeal – and will help determine approaches in respect of affordable housing delivery where development is progressed on a more piecemeal basis.

Application No: *PA/11/01038*
Site: *71 Columbia Road E2 7RG*
Development: *Removal of two timber framed sash windows and the replacement with two folding doors.*

Council Decision: *Refuse (delegated decision)*
Start Date *3 October 2011*
Appeal Method *WRITTEN REPRESENTATIONS*

- 4.12 Planning permission was refused on grounds of failing to preserve or enhance the character and appearance of the conservation area and concerns over highway safety with increased pedestrian congestion in the vicinity of the property.