

DEVELOPMENT COMMITTEE

Wednesday, 15 October 2014 at 7.00 p.m.
**Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG**

The meeting is open to the public to attend.

Members:

Chair: Councillor Sirajul Islam
Vice Chair : Councillor Marc Francis
Councillor Shiria Khatun, Councillor Suluk Ahmed, Councillor Gulam Kibria Choudhury,
Councillor Shah Alam and Councillor Chris Chapman

Deputies:

Councillor Rajib Ahmed, Councillor Asma Begum, Councillor Andrew Cregan, Councillor
Craig Aston, Councillor Andrew Wood and Councillor Julia Dockerill

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Monday, 13 October 2014**
Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Tuesday, 14 October
2014**

Contact for further enquiries:

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Web:<http://www.towerhamlets.gov.uk/committee>

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APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 1 - 4)

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 Monitoring Officer.

2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 5 - 14)

To confirm as a correct record the minutes of the meeting of the Development Committee held on 15th September 2014.

3. 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.

4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 15 - 16)

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

PAGE NUMBER	WARD(S) AFFECTED
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5. DEFERRED ITEMS

None.

6.	PLANNING APPLICATIONS FOR DECISION	17 - 18	
6 .1	Land to the south of Rainhill Way, Bow Cross Estate, London, E3 (PA/14/01486)	19 - 48	Bromley North
	Proposal:		
	Erection of 4 x 3 bedroom residential units on land located south of Rainhill way, Bow Cross Estate, London E3.		
	Recommendation:		
	To GRANT planning permission subject to the conditions and informatives set out in the Committee report.		
6 .2	369a Roman Road, London, E3 5QR (PA/14/01595)	49 - 58	Bow East
	Proposal:		
	Variation of condition 2 of planning permission PA/12/02272 dated 27 th February 2013 for the: "Installation of a new shopfront, retention of retail unit to Roman Road frontage, and the conversion of the remainder of the unit into a two bedroom flat		
	The variation is sought to enable the following minor material alterations:		
	<ul style="list-style-type: none"> • Internal alterations to the layout of the retail and residential units • Changes to the design and dimensions of Vivan Road light wells including additional glazing 		
	Recommendation:		
	To GRANT planning permission subject to conditions and informatives as set out in the report.		
6 .3	7 Westport Street, London E1 0RA (PA/14/01887)	59 - 68	Stepney Green
	Proposal:		
	Change of use of part of ground floor unit from Estate Agent (Use Class A2) to mini cab call centre use (Use Class B1).		
	Recommendation:		
	To GRANT planning permission subject to conditions and Informatives.		

Proposal:

Conservatory extension at ground floor level and first floor extension.

Recommendation:

To REFUSE planning permission on the grounds of the reason set out in the Committee report.

7. OTHER PLANNING MATTERS

None.

Next Meeting of the Development Committee

Wednesday, 19 November 2014 at 7.00 p.m. to be held in the Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Meic Sullivan-Gould, Monitoring Officer, Telephone Number: 020 7364 4801

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON MONDAY, 15 SEPTEMBER 2014

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

Members Present:

Councillor Sirajul Islam (Chair)
Councillor Shiria Khatun
Councillor Suluk Ahmed
Councillor Gulam Kibria Choudhury
Councillor Shah Alam
Councillor Chris Chapman
Councillor Asma Begum (Substitute for
Councillor Marc Francis)

Other Councillors Present:

Councillor Peter Golds

Apologies:

Councillor Marc Francis and Councillor Rajib Ahmed

Officers Present:

Paul Buckenham	– (Development Control Manager, Development and Renewal)
Fleur Francis	– (Acting Team Leader - Planning, Directorate, Law Probity and Governance)
Beth Eite	– (Planning Officer, Development and Renewal)
Jane Jin	– (Planning Officer, Development and Renewal)
Gerard McCormack	– Planning Enforcement Team Leader, Development and Renewal
Zoe Folley	– (Committee Officer, Directorate Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Shiria Khatun declared a disclosable pecuniary interest in agenda item 6.1 Toynbee Hall, 28 Commercial Street, London, E1 6LS (PA/14/1577 and PA/14/1578). This was on the basis that the Councillor was an employee of the Toynbee Hall. The Councillor reported that she would leave the meeting room for the consideration of this item.

Councillor Asma Begum declared an interest in agenda item 6.1, Toynbee Hall, 28 Commercial Street, London, E1 6LS (PA/14/1577 and PA/14/1578).

This was on the basis that she formerly lived in the area and a close relation was a former employee of Toynbee Hall.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 20th August 2014 be agreed as a correct record and signed by the Chair.

3. 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

4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee noted the procedure for hearing objections and the meeting guidance.

5. DEFERRED ITEMS

5.1 113-115 Roman Road, London, E2 0QN (PA/14/00662)

Update Report tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application for the demolition of existing three storey 13 bedroom hotel and construction of a new four storey building to create a 31 bedroom hotel with no primary cooking on the premises.

The Committee previously considered the application at its meeting in July 2014 and were minded to refuse the scheme giving five reasons as set out in the Committee report. Officers had since considered these reasons and their advice was detailed in the report.

Gerard McCormack (Planning Officer) briefly explained the existing and replacement building. He highlighted the concerns of the objectors and explained the findings in detail in the report. In terms of overlooking, Officers considered that the impact would be acceptable as none of the windows of the scheme directly faced neighbours. In addition, access to the flat roofs of the proposal would be restricted to prevent any overlooking. In terms of loss of light, the impact on sunlight and daylight complied with the policy guidance. Therefore, it was considered that a refusal on these grounds could not be sustained.

However, it was found, on review, that the bulk and mass of the building would affect the neighbours by creating a sense of enclosure. Elements of the scheme relating to the design of the front elevation would also fail to preserve or enhance the character and appearance of the Conservation Area. However, it would not be possible to sustain a reason based on the effect of the bulk and mass of the proposal on the Conservation Area.

Taking the above into account, Officers were suggesting two reasons for refusal set out in paragraph 3.2 of the report.

In response to questions, Officers confirmed that whilst there would be a minor impact on daylight and sunlight, this was not so significant to justify a refusal of the scheme as the percentage reductions would be within the Building Research Establishment guidelines. Officers had engaged in further discussions with the Applicant following the Committee meeting in July 2014 to consider the Committee suggested reasons for refusal. It was considered that the scheme would particularly affect 111 Roman Road, (as set out in the proposed reasons) given the relationship between that property and the scheme.

On a vote of 0 in favour of the Officer recommendation to grant the planning permission, 4 against and 0 abstentions, the Officer recommendation to grant the planning permission was not accepted.

Councillor Asma Begum then moved the reasons for refusal set out in paragraph 5.2 of the Committee report seconded by Councillor Chris Chapman. On a vote of 4 in favour, 0 against and 0 abstentions, these reasons were agreed and it was **RESOLVED**:

That Planning Permission (PA/14/00662) at 113-115 Roman Road, London, E2 0QN be **REFUSED** for the demolition of existing three storey 13 bedroom hotel and construction of a new four storey (including roof extension and basement) building dropping down to three and one storey at the rear to create a 31 bedroom hotel with no primary cooking on the premises for the reasons set out in 5.2 of the report as set out below:

- 1) Some effect on residential amenity would be acceptable in an inner city area such as this, provided that an acceptable level of privacy, visual outlook, daylight and amenity standards are maintained. This proposal given its height, bulk, mass and plot coverage of the whole development would have an overbearing effect on the visual

outlook, sense of enclosure of the occupiers of neighbouring properties in particular 111 Roman Road, resulting in and unacceptable reduction in the quality of their living condition, contrary to adopted policy SP10 of the Core Strategy (2010) and policies DM24 and DM25 of the Managing Development Document (2013).

- 2) The demolition of the existing building and its replacement with a larger building, would fail to preserve or enhance the character and appearance of Globe Road Conservation Area, by reasons of inappropriate and poor quality design, the appearance of the front elevation and the effect on the rhythm of plot frontages along Roman Road. In this respect the development fails to pay special regard to the desirability of preserving or enhancing the character and appearance of the Globe Road Conservation Area and buildings within it. The proposal is therefore contrary to policies 7.8 (C and D) of the London Plan (2011), SP10 of the Core Strategy (2010), DM27 of the Managing Development Plan (2013) and the guidance given in paragraph 134 of the National Planning Policy Framework (2012).

6. PLANNING APPLICATIONS FOR DECISION

6.1 Toynbee Hall, 28 Commercial Street, London, E1 6LS (PA/14/1577 and PA/14/1578)

Update Report tabled.

Councillor Shiria Khatun left the meeting for the consideration of this item only.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application. The Chair invited registered speakers to address the Committee.

Two objectors spoke against the scheme, Michael Hodgkinson of 38 Commercial Street and Mike Nicholas. They expressed concern about the excessive height of the Commercial Street office building that would result in a loss of privacy and overlooking to neighbours. The proposal would also block light to nearby properties. To minimise the impact on neighbouring amenity, they requested that the building should be reduced in height by reducing the height of the floors. There should also be no use of terraces and windows at the upper levels of the building should be closed.

The speakers also objected to the loss of the green space and trees, as a result of the land swap between Toynbee Hall and LBTH. This was contrary to Council policy to protect such spaces. There was a great deal of support for the space.

It was also likely that the proposal would increase anti-social behaviour on the forecourt given the lack of gates.

The Committee heard from the applicant's agent, Graham Fisher. The plans sought to provide modern 'fit for purpose' facilities to meet the increasing demand on services. He listed the nature of the facilities and services that would be provided. It was planned to use the income from the upper floors of the Commercial Street building to fund the legal centre for the first year. The application also sought to provide a new public space with a range of benefits. The feedback from the consultation had been taken onto account when preparing the plans. In response to Councillor's questions, Mr Fisher considered that any proposal to reduce the height of the Commercial Street building would put at risk the viability of the scheme. The raising of the forecourt to pavement level should reduce crime by increasing the visibility of this area. There had been many consultation meetings over recent years.

Beth Eite, (Planning Officer) presented the report and the update. She explained the site location, the listed status of Toynbee Hall and its historic significance. She also explained the plans for each building and the nature of the reconfiguration of Mallon Gardens. The application had been subject to local consultation resulting in 38 objections and an online petition. It was considered that the plans should improve the safety and accessibility of the park following engagement with the Secure by Design Officer. The improvements and options considered here were explained. There would be no net loss of public open space. The height of the new office building had been reduced and aspects were set back. The impact on sunlight and daylight from the proposals generally complied with policy. Overall, the impact on surrounding properties would be minimal. Given the merits of the scheme, Officers were recommending that the scheme be granted planning permission.

In response to questions about the Commercial Street building, it was confirmed that the building should have no undue impact on privacy or overlooking given the position of windows. So, it was not considered that it would be necessary to impose any additional measures to protect amenity. It was not uncommon for offices and residential uses to exist side by side in this part of London and these uses were seen as compatible. Officers wouldn't encourage a condition that required windows to be sealed closed because this would prevent cross ventilation which is desirable.

The proposed 'land swap' would be subject to a separate Council Executive decision. The scheme could not be carried without this and a condition would secure the implementation of the proposed open space.

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

1. That planning permission (PA/14/1577) at Toynbee Hall, 28 Commercial Street, London, E1 6LS be **GRANTED** for various works to the Toynbee Hall Estate including the following: internal alterations to the listed Toynbee Hall and removal / replacement of extensions to the rear and side, provision of a new five storey (with set back top floor and basement) office block at 36 Commercial Street, reconfiguration and re-

landscaping of Mallon Gardens, two storey (with set back top floor) roof extension to Profumo House along with ground level infill extensions and change of use of existing HMO units to office space, partial demolition and rebuilding of the southern end of Attlee House

Subject to:

2. The prior completion of a legal agreement to secure the planning obligations, conditions and informatives set out in the Committee report and the amendment in the update report regarding the restriction of permanent occupation of the flats within Toynbee Hall.

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

3. That listed building consent (PA/14/1578) at Toynbee Hall, 28 Commercial Street, London, E1 6LS be **GRANTED** for various works to the Toynbee Hall Estate as set out above subject to the conditions set out in the Committee report

6.2 The Odyssey, Crews Street, London, E14 3ED (PA/14/01582)

Councillor Shah Alam left the meeting at this point.

Update Report tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application.

The Chair invited registered speakers to address the Committee.

David Stephens (resident of area and representative of local residents association) and Councillor Peter Golds spoke in support of the application. The speakers referred to the level of support for the application amongst residents to prevent crime in and around the site. Residents of the street felt unsafe given such activity (drug dealing, muggings, car break-ins at anti-social hours). The development tended to attract such behaviour given its secluded location. Residents had approached the Authorities to address these issues. The applicant would be open to discussions with the various stakeholders within the development about the hours of operation for the gates. Reference was also made to the number of similar applications to install gates in the Borough that had been successful at appeal and the number of gated developments in the area. Gated areas were a common feature in Tower Hamlets. In response to Members questions, it was considered that a proactive approach needed be taken to crime prevention given the pressures on police time in the area.

Jane Jin (Planning Officer) gave a presentation on the application. She explained the proposed height and width of the gates to be located on the private land.

She highlighted the crime figures from the Police for the street and wider development. These showed that the crime levels for the development were not exceptional

The Crime and Prevention Officer supported the application to reduce crime. However, taking into account the crime rates and the broader issues (as mentioned below), Officers did not consider that the plans justified a departure from policy seeking to create a cohesive community.

The proposal would prevent access through the site and the river walkway as required by the s106 agreement for the development. The proposal would also affect the safety and capacity of the highway arising from vehicles waiting on the street to gain access through the gates. The gates would have a visually intrusive appearance. The Council's Enforcement Team had sent letters regarding gates in the Estate. Officers were recommending that the proposal should be refused.

In response to Councillor's questions, Officers noted the appeal decisions in respect of previous applications to install gates. This case should be considered on the planning merits. There were worries that the gates would hinder access to the development for wheelchair users. The issues around fire safety and maintenance could be dealt with by condition.

It was noted that there were gated developments elsewhere in the Borough. But given the range of concerns, it was considered that this application should be refused.

As highlighted above, the Enforcement Team were taking steps regarding gates in the Estate. Gerald McCormack (Enforcement Team Leader) gave an overview of this work. At the request of a Member, it was agreed that an update on the enforcement action in respect of these gates be included in the next enforcement activity report to the Committee.

On a vote of 5 in favour, 1 against and 0 abstentions, the Committee **RESOLVED:**

That planning permission (PA/14/01582) at the Odyssey, Crews Street, London, E14 3ED be **REFUSED** for the installation of freestanding electronically controlled vehicular and pedestrian entrance gates for the reasons set out in paragraph 3 of the Committee report as follows.

a) The proposal would restrict full public access and inclusive access resulting in an unacceptable form of development that would fail to retain a permeable environment, by reason of creating a physical barrier and the loss of a legally secured publically accessible route to the riverfront which forms a part of the Blue Ribbon Network. This would be contrary to the general principles of the National Planning Policy Framework (2012), policies 7.2 and 7.27 of the London Plan (2011), policies SP04 and SP10 of the Core Strategy (2010), and policies DM12 and DM23 of the Managing Development Document (2013). These policies require development to protect and improve

existing access points to the Blue Ribbon Network and increase opportunities for public access and use of water spaces.

b) The proposed gates and fixed means of enclosure by virtue of their height and scale would appear visually intrusive and result in an inappropriate form of development that would create a 'gated' community and would therefore fail to achieve an inclusive environment and create an unacceptable level of segregation. This would be contrary to the general principles of the National Planning Policy Framework (2012), policies 3.9, 7.1-7.5 and 7.27 of the London Plan (2011), policies SP04, SP09, SP10 and SP12 of the Core Strategy (2010), and policies DM12 and DM23 of the Managing Development Document (2013). These policies require development to promote the principles of inclusive communities, improve permeability and ensure development is accessible and well connected.

c) The proposed security gate due to its location adjacent to the adopted highway would have an unacceptable impact on the capacity and safety of the adjacent 3 public highway. This would be contrary to the general principles of the National Planning Policy Framework (2012), the London Plan (2011), policy SP09 of the Core Strategy (2010), and policy DM20 of the Managing Development Document (2013). These policies require that development does not have any adverse impact on the capacity and safety of the transport network.

d) The proposed security gate would introduce security measures at the site which are overbearing and would compromise the visual quality of the local environment and would be an unsightly addition to the public realm. This would be contrary to the general principles of the National Planning Policy Framework (2012), the London Plan (2011), policy SP10 of the Core Strategy (2010), and policy DM24 of the Managing Development Document (2013). These policies seek to ensure that design is sensitive to and enhances the local character and setting of the development.

6.3 11 Havannah Street, London E14 8NA (PA/14/01807)

The item had been withdrawn from the agenda for procedural reasons in respect of the consultation.

7. OTHER PLANNING MATTERS

7.1 Planning Enforcement Review 2013/14

Gerard McCormack (Enforcement Team Leader) presented the review report on enforcement activity 2013/14.

He explained the case load and performance over the year, the number of notices issued, compliance work and the proactive action to improve the appearance of properties in Conservation Areas. He also highlighted the

measures to lessen the cost of works and the plans for the coming year. Councillor Shiria Khatun welcomed the report on behalf of the Committee.

It was noted that the action discussed under the previous item relating to gates around the Odyssey, Crews Street, would be included in the enforcement review report to the next Committee meeting. It was noted that Officers would engage with the Council's Anti-Social Behaviour Team and Crime Prevention Officer to consider the impact of installing gates in the location to prevent crime. Some alternative action to address the underlying issues at the site was also discussed.

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

That the enforcement report be noted.

The meeting ended at 9.35 p.m.

Chair, Councillor Sirajul Islam
Development Committee

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Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

Members of the public and Councillors may request to speak on applications for decision (Part 6 of the agenda). All requests must be sent direct to the Committee Officer shown on the front of the agenda by the deadline – 4pm one clear working day before the meeting. Requests should be sent in writing (e-mail) or by telephone detailing the name and contact details of the speaker and whether they wish to speak in support or against. Requests cannot be accepted before agenda publication. Speaking is not normally allowed on deferred items or applications which are not for decision by the Committee.

The following may register to speak per application in accordance with the above rules:

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters. This includes: an agent or spokesperson.	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> • Three minutes for one objector speaking. • Six minutes for two objectors speaking. • Additional three minutes for any Committee and non Committee Councillor speaking in objection.
Members of the public in support	It shall be at the discretion of the applicant to allocate these supporting time slots.

What if no objectors register to speak against an applicant for decision?

The applicant or their supporter(s) will not be expected to address the Committee should no objectors register to speak and where Officers are recommending approval. However, where Officers are recommending refusal of the application and there are no objectors or members registered, the applicant or their supporter(s) may address the Committee for 3 minutes.

The Chair may vary the speaking rules and the order of speaking in the interest of natural justice or in exceptional circumstances.

Committee Members may ask points of clarification of speakers following their speech. Apart from this, speakers will not normally participate any further. Speakers are asked to arrive at the start of the meeting in case the order of business is changed by the Chair. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: www.towerhamlets.gov.uk/committee under Council Constitution, Part.4.8, Development Committee Procedural Rules.

What can be circulated?

Should you wish to submit a representation or petition, please contact the planning officer whose name appears on the front of the report in respect of the agenda item. Any representations or petitions should be submitted no later than noon the working day before the committee meeting for summary in the update report that is tabled at the committee meeting. No written material (including photos) may be circulated at the Committee meeting itself by members of the public including public speakers.

How will the applications be considered?

The Committee will normally consider the items in agenda order subject to the Chair's discretion. The procedure for considering applications for decision shall be as follows:
Note: there is normally no further public speaking on deferred items or other planning matters



- (1) Officers will announce the item with a brief description.
- (2) Any objections that have registered to speak to address the Committee
- (3) The applicant and or any supporters that have registered to speak to address the Committee
- (4) Committee and non- Committee Member(s) that have registered to speak to address the Committee
- (5) The Committee may ask points of clarification of each speaker after their address.
- (6) Officers will present the report supported by a presentation.
- (7) The Committee will consider the item (questions and debate).
- (8) The Committee will reach a decision.

Should the Committee be minded to make a decision contrary to the Officer recommendation and the Development Plan, the item will normally be deferred to a future meeting with a further Officer report detailing the implications for consideration.

How can I find out about a decision?

You can contact Democratic Services the day after the meeting to find out the decisions. The decisions will also be available on the Council's website shortly after the meeting.

For queries on reports please contact the Officer named on the front of the report.

<p>Deadlines. To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages. Visit www.towerhamlets.gov.uk/committee - search for relevant Committee, then 'browse meetings and agendas' then 'agenda management timetable'.</p>	 <p>Scan this code to view the Committee webpages.</p>
<p>The Rules of Procedures for the Committee are as follows:</p> <ul style="list-style-type: none">• Development Committee Procedural Rules - Part 4.8 of the Council's Constitution (Rules of Procedure).• Terms of Reference for the Strategic Development Committee - Part 3.3.5 of the Council's Constitution (Responsibility for Functions).• Terms of Reference for the Development Committee - Part 3.3.4 of the Council's Constitution (Responsibility for Functions).	 <p>Council's Constitution</p>

Agenda Item 6

Committee: Development	Date: 15 th October 2014	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. FURTHER INFORMATION

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

3. ADVICE OF HEAD OF 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 London Plan 2011
 - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
 - the Managing Development Document adopted April 2013
- 3.2 Other material policy documents include the Council's Community Plan, supplementary planning documents, government planning policy set out in the National Planning Policy Statement and planning guidance notes and circulars.
- 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 Development Plan unless material planning considerations support a different decision being taken.

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

- 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 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.7 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 3.8 In accordance with Article 31 of the Development Management Procedure Order 2010, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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

Agenda Item 6.1

Committee: Development Committee	Date: 15 th October 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Application
Case Officer: Angelina Eke	Ref No: PA/14/01486
	Ward: Bromley North

1. APPLICATION DETAILS

Location: Land to the south of Rainhill Way, Bow Cross Estate, London, E3

Existing Use: Vacant (land currently used as temporary community food project)

Proposal: Erection of 4 x 3 bedroom residential units on land located south of Rainhill way, Bow Cross Estate, London E3.

Drawing and Supporting Documents: 1972/PA_001; 1972/PA100 Rev B; 1972/PA101 Rev B; 1972/PA_101 Rev B; 1972/PA_102 Rev A; 1972/PA103; 1972/PA104; 1972/PA200 Rev A; PA201; 1972/PA202; 1972/PA203; 1972/PA300; 1626 03 Rev C; 37593_P0_02 Rev 3

- Arboricultural Impact Assessment, prepared by D F Clark Bionomique Ltd dated 20th May 2014 (Ref: DFCP 2995) plus DFCP 2995 TSP&TPP Rev A
- Daylight and Sunlight Report for the proposed development (Reference 37593/IM/SK dated 31 July 2014) plus updates
- Community Food Growing Assessment dated May 2014, prepared by Liz Lake Associates
- Land Contamination and Ground Conditions Desk Study Report, prepared by RSA Geo technics Limited (Report Number 13860DS)
- Landscape Assessment/Strategy
- Noise Survey and Assessment, prepared by RBA Acoustics dated 8th September 2014 (Report 5989/NSA, Revision Number 2);
- Transport Statement, prepared by Mayer Brown (including updated dated 24th September 2014);
- Vibration Assessment, prepared by RBA Acoustics dated 8th September 2014 (ref: 5989/NSA rev2);
- Topographic Survey.
- Email from Jayme Radford of Iceni projects dated 26/09/2014

Applicant: Swan Housing

Ownership: Swan Housing

Historic Building: N/A

Conservation Area: N/A

2. EXECUTIVE SUMMARY

- 2.1. Officers have considered the particular circumstances of this application against the Development Plan, national, regional and local guidance and other material planning considerations as set out in this report and recommends the approval of planning permission for the reasons set out in the 'Material Planning Considerations' and 'Recommendation' section of this report.
- 2.2. The application is for the erection of four residential properties with private gardens and areas of landscaping. The proposal also incorporates the re-provision of food growing gardens for the use by residents within Crossways Estate.
- 2.3. Officers consider that the design of the scheme is sympathetic to the site context in terms of its mass, bulk, scale and height. Subject to conditions to secure high quality materials and finishes, officers consider that the scheme would be acceptable and accords with policy 7.4 of the London Plan, Policy
- 2.4. SP10 of the Adopted Core Strategy (2010) and Policies DM23 and DM24 in the Managing Development Document (2013) and guidance within the National Planning Policy Framework (2012).
- 2.5. The technical reports submitted sets out that the proposed development would not cause unduly detrimental impacts to the amenities of existing or future occupiers or result in substantial loss of daylight, sunlight, nor would the proposal result in significant sense of enclosure or loss of outlook.
- 2.6. Both the quantum and quality of private amenity space plus the re-provision of the food growing area are considered to be good and are of a well-considered design and meet the needs of the needs of the Crossways Residential community and accord with Policy 7.22 of the London Plan, Policy SP02 of the Core Strategy (2010), Policy DM4 of the Managing Development Document (2013), which seeks to improve amenity and liveability for residents.
- 2.6. The proposed scheme has attracted significant number of objections from the local community and officers have had regard to the benefits of the scheme in terms of provision family sized housing in the borough against the potential impact from the development to the local community and consider that on balance the scheme is acceptable. The National Planning Policy Framework (NPPF) sets out a presumption favour of granting planning permission in the interest of sustainable development and officers consider that there are significant benefits to the community in terms of the increase in housing supply and the food growing initiative and this on balance, outweighs the harm from the impact of the development. Furthermore, officers consider that the use of planning conditions would mitigate the harm caused by the impacts of the proposal.

3. RECOMMENDATION

- 3.1. That the Committee resolve to **Grant** planning permission subject to the following conditions and informatives set out below:

Compliance Conditions

- (a) Three year time limit
- (b) Compliance with approved plans and documents
- (c) Hours of Construction (8.00 until 17.00 Mondays to Fridays; 8.00 – 13:00 on Saturdays only)
- (d) Power/hammer driven piling/impact breaking (10am – 4pm Mondays to Fridays)
- (e) Lifetime Homes standards
- (f) Compliance with mitigation measures in the submitted noise report
- (g) Code Level 4 – Pre-assessment
- (h) Remove PD rights – control any further extensions/alterations to the houses

Pre - commencement conditions

- (i) Samples and details of all facing materials
- (j) Acoustic Glazing details
- (k) Landscaping details including the details of a replacement tree and proposed boundary treatments
- (l) Details of privacy screens
- (m) Approval of lighting strategy
- (n) Contamination land
- (o) Construction Management/Delivery and Service Plan
- (p) Scheme of highway works
- (q) Details of proposed living roof and specification of PV array

Prior to occupation

- (r) Post Completion Noise Testing
- (s) Secure by Design Certificate
- (t) Code level 4 Certificates
- (u) Refuse storage provision to be provided and retained
- (v) Cycle parking storage details to be submitted/approved and to be provided

3.2 That the Corporate Director Development & Renewal is delegated to impose conditions and informatives on the planning permission to secure the above matters

4. PROPOSAL AND LOCATION DETAILS

Site and Surroundings

4.1 The application site (also known as Site 11) forms part of the Crossways Estate, which was built in the early 1970's. The Estate itself is approximately 3.62 hectares in area and a large proportion of it has undergone extensive regeneration in recent years comprising the redevelopment and refurbishment of three existing tower blocks, the erection of a number of buildings ranging from 3 storeys to 6 storeys in height on previously developed open land including the delivery of open space. It should be noted that the overarching plan for the Estate is defined by a master plan and an outline planning permission approved in August 2005 and the application site forms part of the last phase of the wider estate regeneration.

4.2 The application site itself is roughly triangular in shape and measures approximately 873 sq metres. It is situated at the south east corner of the wider application site, adjacent to a railway viaduct to the south. The site tapers down to the west, where

Rainhill Way lies adjacent to the railway line for a short distance. The site is bounded on the north and eastern side by residential houses and flatted developments.

- 4.3 The site is not listed nor does it lie within a conservation area.

Relevant Planning History

- 4.4 **PA/06/01865:** Full planning permission for construction of one, two storey house, one three-storey house plus eight flats in a four-storey block. Refusal dated 02/02/2007. The Council's Refusal was appealed and the appeal dismissed on 24/09/2007.
- 4.5 On 24 September 2007, the Planning Inspectorate dismissed 2 x planning applications (PA/06/886 & PA/06/1865) as well as an enforcement appeal for development of Site 11 Crossways Estate (Co-joined appeals Refs. Nos. APP/E5900/A/07/2041336, APP/E5900/A/07/2042697/NWF, APP/E5900/C/07/2042018).
- 4.6 **PA/07/00898:** Retrospective application for the redevelopment of the site to provide 1 x 3 bedroom house and 8 x 1 bedroom flats with associated landscaping. The application was refused by the Council on 26th July 2007 for the following reason:
- "The development causes an unacceptable loss of residential amenity to neighbouring properties Nos. 1-9 Rainhill Way as it appears overbearing by reason of its height and proximity to the site boundary. As such, the proposal is contrary to policies ST4 and DEV1 of the adopted London Borough of Tower Hamlets Unitary Development Plan 1998 and policies CP4, DEV1 and DEV2 of the London Borough of Tower Hamlets Local Development Framework Development Plan Document: Core Strategy and Development Control Submission Document November 2006"
- 4.7 The applicant subsequently appealed the Council's refusal decision, and the Appeal Ref. No. APP/E5900/A/07/2055314/NWF was dismissed by the Secretary of State for Communities and Local Government on 18th February 2008.

Other relevant decisions for Crossways Estate

- 4.8 **PA/03/01683:** Outline Planning Permission for the demolition of 1-43 Holyhead Close as well as refurbishment, including cladding, of three tower blocks, and sub-division of larger flats therein to increase the number of units from 276 to 296 units. Also, new development of 363 units of housing for sale and for rent, in blocks up to 6 storeys high, on land within the estate including designated housing amenity land. The proposal included a new access road and a new community centre, with associated parking and landscaping. Approval dated 5th August 2005.
- 4.9 **PA/06/1852:** (Crossways Estate Phase 5, Land East of Campbell Road, Campbell Road, London, E3)- Full planning permission for the erection of buildings up to six storeys to provide 232 flats was approved by the Development Committee on 10 January 2007.
- 4.10 **PA/06/02095:** Full planning permission for refurbishment and extension of ground and first floors of Priestman Point to provide a new community centre. Approval dated 11 January 2007.
- 4.11 **PA/08/00112:** Phase 5 amendments to proposed tenure within Blocks A and B. Approved 24th July 2008.

- 4.12 **PA/11/00353:** Application under S73 of the Town and Country Planning Act for a minor material amendment to planning permission PA/06/01852 (dated 27th June 2008) by way of varying condition 19 as proposed under PA/11/00319 (non-material amendment to PA/06/01852) relating to Crossways Estate Phase 5, Land East of Campbell Road, London E3. The minor material amendment sought to amend the tenure mix of blocks C & D in phase 5 by swapping 66 one and two-bedroom flats from private to affordable. Application granted consent 30th March 2011.
- 4.13 **PA/12/01019:** Detailed Planning Permission for the construction of 18 residential units comprising of 7 x 1 bed, 7 x 2 bed and 4 x 3 bed properties arranged over 2, 3 and 4 storey linked blocks. Approval dated 01/02/2013.
- 4.14 **PA/13/02513:** Application for Minor Material amendment (S73) on Bow Cross Phase 11, Bow Cross Estate, following a grant of Planning permission dated 01/02/2013, Reference number PA/12/01019 for the construction of 18 residential units comprising of 7 x 1 bed, 7 x 2 bed and 4 x 3 bed (Properties arranged over 2, 3 and 4 storey linked blocks).

Amendment sought:

- Alteration to the site boundary between the site and the Dockland Light Rail Limited site boundary
- Alteration and internal re-modelling of the approved units.

The application was approved on 28/03/2014

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 Government Planning Policy Guidance/Statements

- National Planning Policy Framework (March 2012) (NPPF)
- National Planning Practice Guidance (March 2014)

5.3 Spatial Development Strategy for Greater London - Revised Early Minor Alterations to the London Plan October 2013 (LP)

- 3.3: Increasing housing supply
- 3.4: Optimising housing potential
- 3.5: Quality and Design of Housing Developments
- 3.8: Housing Choice
- 5.1: Climate Change mitigation
- 5.2: Minimising Carbon Dioxide emissions
- 5.3: Sustainable Design and Construction
- 5.7: Renewable Energy
- 5.21: Contaminated Land
- 6.3: Assessing effects of development on transport capacity
- 6.9: Cycling
- 6.10: Walking
- 6.13: Parking
- 7.2: An inclusive environment
- 7.3: Designing out crime

- 7.4: Local Character
- 7.5: Public realm
- 7.15: Reducing noise and enhancing soundscapes
- 8.2: Planning Obligations

5.4 Tower Hamlets Core Strategy (adopted September 2010) (CS)

- SP02: Urban Living for Everyone
- SP03 (2): addressing the impacts of noise pollution
- SP05: Dealing with waste
- SP09: Creating safe and attractive street and spaces
- SP10: Creating Distinct and Durable Places

5.5 Managing Development Document (adopted April 2013) (MDD)

- DM3: Delivering homes
- DM4: Housing standards and amenity space
- DM12: Water spaces
- DM14: Managing Waste
- DM22: Parking
- DM23: Streets and the Public Realm
- DM25: Amenity
- DM26: Building Heights
- DM24: Place Sensitive Design
- DM30: Contaminated Land and Development and storage of hazardous substances

5.6 Other Relevant Documents

N/A

CONSULTATION RESPONSE

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

5.8 The following internal consultees were consulted regarding the application:

Arboriculture officer

5.9 No objections, although it is noted that the existing tree has an amenity value in the region of £8,000 and the applicant should try and reinstate the tree to mitigate the loss of the amenity/environmental benefits that the existing tree provides.

[Officer Comment: The applicant is seeking to provide two community growing areas within the vicinity of the site and it is considered that will improve the amenity benefits including utility of the site for the local community]

Biodiversity officer

5.10 No objections to the proposal, given that the site is unlikely to be of high biodiversity value and it does not contain habitats or structures likely to support protected species. There are no objections to the loss of one London Plane tree and species of low biodiversity value and overall, it is considered that the proposed development would have a minor adverse impact on biodiversity.

Corporate Access officer

- 5.11 Minor concerns raised with regard to the manoeuvrability of the first floor bathroom of House 1 also the landing of the same floor with regarding to the suitability of siting a chairlift.

[Officer Comment:The comments raised have been incorporated into minor revisions of the first floor scheme, which is now considered to be acceptable.]

Cleansing Team

- 5.12 No objections to the waste management proposals for the houses. The applicant is required to ensure that the refuse collection vehicles have adequate space to manoeuvre bins and that a drop kerb is provided.

[Officer Comment: The requirement for a drop kerb can be addressed by way of a condition. A further condition will be imposed to ensure that the refuse storage provision is retained for the lifetime of the development.]

Energy Efficiency Team

- 5.13 The proposal is to achieve Code for Sustainable Homes Level 4, which is welcomed and this should be secured by condition. The applicant refers to the scheme utilising renewable energy technologies to reduce CO2 emissions and further details of the PV details are required.

[Officer Comment:This requirement is to be met by way of conditions.]

Environmental Health (Land Contamination)

- 5.14 No objection to the proposal subject to a condition being imposed to ensure the land is appropriately remediated.

[Officer Comment: The requirement for a condition is noted and a condition would be imposed]

Environmental Health (Noise and Vibration)

- 5.15 Initial concerns were raised with regards to the vibration impacts on the future occupiers of the development and the applicant has submitted a clarification statement to illustrate the measures to be adopted in order to mitigate the impacts of noise and vibration. If the site is to be used, a high degree of noise insulation will be required to meet the good design standard of BS8233.

[Officer Comment:The additional information has been reviewed and considered to be satisfactory. It is considered that the mitigation measures proposed would be secured by conditions relating to acoustic glazing, methods of construction. Any associated noise and vibration assessment associated with the construction can be controlled via the use of a condition requiring a construction management plan]

Housing

- 5.16 No objections to the proposal. Although the application is a local registered provider, their decision has been to provide the units for sale rather than for social/affordable

or intermediate use. The proceeds of the developer will enable cross subsidy of the wider regeneration underway on the site.

5.17 The following external consultees were consulted regarding the application:

Network Rail

5.18 No comments received

London Underground Limited

5.19 No objections to the proposal, however, it is acknowledged that there are a number of potential constraints on the redevelopment of the site situated close to underground tunnels and infrastructure. The developer would need to demonstrate to the satisfaction of LUL engineers that:

- Right of support is not compromised;
- The development will not have a detrimental impact on structures either in the long or short term;
- The design should be such that the loading imposed on LUL structures are not increased or removed
- No right of support is offered to the development of the land

The key concern for LUL is that the development does not impact on their transport infrastructure and they advised for a condition and informative to be imposed on any grant of planning permission.

[Officer Comment: The requirement for a condition and an informative is noted and would be imposed.]

Thames Water

5.20 No objections

NEIGHBOURS REPRESENTATIONS

5.21 92 planning notification letters were sent to nearby properties. Eight letters of representation were received objecting to the proposal, including two petition letters (the first containing 121 signatures and the second petition letter has 18 signatures). Representations were also made by two local ward councillors.

5.22 In terms of the objections received, a summary of this is set out below:

Land Use

- That the principal of the land use is unacceptable.

[Officer Comment: The surrounding area is residential character and it adjoins a short terrace of three storey houses to the east and there are flatted developments (part,5,4 and 3 storey) to the north of the site. Accordingly, the subject site is considered appropriate for residential use. This is discussed further in the 'land use' section of the report.]

- The developer has exceeded the number of residential units under the outline planning permission.

[Officer Comment: Discussed in detail within the housing section of this report.]

- That the proposal would result in the loss of open space within a densely built up estate and the space is used as child play space.

[Officer Comment: The principle of the residential use of the site has been established by virtue of the outline planning permission in 2005. This is discussed in detail in the land use section of this report.]

- Loss of site for food growing purposes

[Officer Comment: The applicant is seeking to formalise the use of the food growing initiative on the site and re-provide it to a higher standard – this is discussed within the ‘land section’ of this report]

- Whilst there is widespread support for the regeneration of the estate, the principle of this scheme would be unacceptable
- The site has always been an open play space used extensively by the community and it has never been a residential site and is much needed open space. The proposal is contrary to DM10 of the Managing Development Document.

[Officer Comment: The application does not result in the loss of a designated open space and the principle of the residential use is supported and this is discussed in detail within the land use section of this report.]

Design

That the scheme represents poor design which is insensitive to the site context

[Officer Comment: The Council’s Urban Design officer has assessed the scale and design of the proposal provides an acceptable design response given the site context. Subject to condition regarding the facing materials, the proposal would be of high quality, and would add to the variety of architectural styles in the immediate and wider locality.]

Amenity

- § The proposal will result in unacceptable impacts on privacy and the levels of natural lighting reaching habitable rooms and gardens in the adjoining neighbours No.’s 17-21 Rainhill Way, 202-220 Bruce road, and 1-9 (inc) Rainhill Way
- § The proposal will result in a dark secluded area that is not fit for the community and it will result in the loss of the last piece of accessible green space within a concrete jungle.
- § The proposal will result in the loss of openness and spaciousness of the site, resulting in undue sense of enclosure
- § The proposal will result in loss of privacy

[Officer Comment: The concerns raised on amenity grounds will be addressed within the 'amenity section' of this report'.

Highways:

- The current traffic flow on Rainhill way is outrageous for residents living there and there are no speed humps, by allowing further units , this will exacerbate the traffic flow and lead to serious/fatal accidents

[Officer Comment: The Council's Highway Team have assessed the proposal and raised no objections subject to the development being car free, which should ensure that the future occupiers do not impact on the area through increased traffic congestion]

Other:

- Residents have been ignored in the consultations exercises and as such the proposal is not endorsed by local views

[Officer Comments:Officers always encourage developers to positively engage with residents prior to submitting an application. In relation to the Council's own consultation on the subject proposal, an adequate consultationhas taken place in accordance with the Council's statutoryobligations and the Statement of Community Involvement].

That the proposal would be out of character with the existing and materials and finishes would detract from the building elevation.

[Officer's response:The proposal was considered by the Council's Urban Design and Conservation Team, who consider that proposal would be sympathetic to the site context. This matter regarding materials can be reserved by condition. The concerns on this ground are assessed in more detail in the material planning considerations section of the report.]

6.0 MATERIAL PLANNING CONSIDERATIONS

Background

- 6.1 The application site has a detailed history, stemming from the grant of an outline planning permission (reference PA/03/01683) in August 2005. The outline planning permission was approved for the wider Crossways Estate which permitted the siting of new buildings and means of access. This included the erection of three and four storey residential buildings on the application site. Various reserved matters and approval of details were subsequently submitted and approved and building works commenced.
- 6.2 During the course of implementing the approved scheme, the approved development was built 3.2 metres further east of the site towards 1-9 Rainhill Way to in order to accommodate the exclusion zone from the railway viaduct and the highway improvements which took place. Enforcement Action commenced via the issue of a Stop Notice dated 20th July 2006. This required the applicant to cease works on site on grounds of the planning contravention that a part three, part four storey building, for use as two dwelling houses and eight flats had been erected contrary to the siting approved by the Council under PA/03/01683 dated August 2005. The Enforcement

Notice was appealed (PINS reference: APP/E5900/C/07/2042018) and later dismissed on 24 September 2007.

- 6.3 Following enforcement action, a retrospective application for planning permission was submitted to the Council (Council's ref PA/06/00886 in June 2006 for the retention of the 2 no. houses and 8 no. flats. The Council refused planning permission for this proposal by notice dated 29th September 2006. The applicant appealed the Council's refusal notice and this was considered on appeal (PINS reference: APP/E5900/A/07/2041336) and simultaneously dismissed on 24th September 2007 together with the enforcement appeal.
- 6.4 It should be noted that the applicant also submitted a further revised application to the consented one to the Council in October 2006 (planning reference: PA/06/01865) for the construction of one, two storey house, one three storey house and eight flats in a four storey block. The application varied from the previously consented scheme approved under PA/03/01683 in that the height of the building was reduced to two storeys adjacent to boundary of 1-9 Rainhill Way. The separating distance between the flank wall and the terrace at its closest point was approximately 9.25 metres, with some 14.6 metres to the three storey element and approximately 19.6 metres to the four storey element. The Scheme was refused by the Council on 02 February 2007. The Council's refusal notice was then appealed.
- 6.5 The appeal scheme (PINS reference: APP/E5900/A/07/2042697) was considered to represent a slight improvement, over and above the previous applications on the site, however, the Inspector concluded that it did not adequately address the harm to neighbours' living conditions, specifically for 1-5 Rainhill Way, a two storey, rather than a three storey flank wall would be within 9 metres away from the property windows and in close proximity to the back gardens. The Planning Inspector concluded that the proposal would lead to unacceptable sense of enclosure and appear overbearing, this related specifically to the three and four storey elements, which was considered to be visually over-dominant, more specifically from the upper floors of the adjacent dwellings to the east. The Inspector also concluded that the occupants of No.'s 7 and 9 would experience serious loss of outlook.
- 6.6 The above appeal scheme was dismissed on 24th September 2007 by an Inspector appointed by the Secretary of State for Communities and Local Government. The Inspector took account of the fact that the application site was heavily constrained and the grounds for refusal of the appeal scheme focused on the level of development relative to its site coverage. It was noted that the developable site area had significantly reduced since the grant of the outline scheme.
- 6.7 In March 2007 under PA/07/00898, an application was submitted for the erection of a house and a block of 8 flats with associated landscaping. It should be noted that this application was also linked to the partially built scheme in place (which was also the subject of enforcement action and an appeal). The scheme was refused by the Council on 26th July 2007. The Council's refusal notice was appealed (PINS reference: APP/E5900/A/07/2055314) and the appeal was dismissed on 18th February 2008 on grounds that the scheme had an overbearing impact sufficient to cause harm on the living conditions of neighbouring residents.

The Proposal

- 6.8 The application scheme has been submitted with a view to addressing the previous reasons for refusal addressed by the planning inspector in respect of the two previous schemes. The scheme proposed is for 4 x 3 storey houses which are designed with greater separating distances between the flatted developments at 202-220 Bruce Grove (18 metres from the interfacing windows) and 16.1 metres from the properties at 1-9 Rainhill Way. The scheme has reduced in mass so as to mitigate the previous impact caused by the part three and part four storey elements.
- 6.9 The proposal is for four x 3 storey houses. The proposal also includes the re-provision of the community food growing garden areastowards the eastern and western end of the site.
- 6.10 The main planning issues for the proposal that the committee must consider relate to:
- Land Use
 - Design
 - Amenity
 - Highways
 - Planning Obligations
 - Local finance considerations
 - Equalities considerations

Principle of Land Use

Land Use

- 6.11 The NPPF identifies as a core planning principle, the need to encourage the effective use of land through the use of previously developed land. Section 6 of the NPPF states that “housing applications should be considered in the context of the presumption in favour of sustainable development”.
- 6.12 The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities.
- 6.13 Delivering housing is a key priority both nationally and locally and this is acknowledged within policies 3.3 and 3.4 in the London Plan (2011 as amended) which seek to increase housing supply through intensification of existing mixed uses or on underutilised sites.
- 6.14 Core Strategy 2010 (Core Strategy) policy SP02 sets Tower Hamlets a target to deliver 43,275 new homes (2,885 a year) from 2010 to 2025. An important mechanism for the achievement of this target is reflected in London Plan 2011 (London Plan) policies 3.3 and 3.4 which seek to maximise the development of sites and thereby the provision of family housing to ensure targets are achieved.
- 6.15 It should be noted that the wider Estate is residential in character and the principle of the residential use of the site was previously established in the outline application for the entire Crossways estate regeneration (PA/03/1683), which is a material consideration. The site does not have an allocation in the Managing Development Document (2013). Taking this into account, and given the surrounding area is predominantly residential in character, officers would support use of the site for

residential purposes. The use of previously developed land would be in accordance with the above planning policies.

- 6.16 Concerns have been raised by local residents with regard to current use of the site as open space to serve the Crossways Estate. The existing site is a brownfield site which has been left vacant and now grassed over since the demolition buildings which were subject to the appeal as mentioned earlier in the report, and as such, it is not a designated public open space, the development does not therefore result in the loss of open space at the site.
- 6.17 Whilst the use of the site is acceptable for residential purposes, it is acknowledged it is currently partially used as a temporary community garden facility which is enclosed with fence railings.
- 6.18 Overall, it is considered that the four houses proposed would contribute to meeting the borough's housing need, in line with Policies 3.3 and 3.4 in the London Plan (2011 as amended), Policy DM3 in the Managing Development Document (2013) and Policy SP02 (1c) plus SP02 (5a) in the Core Strategy (Adopted 2010) and guidance set out in National Planning Policy Framework (2012). The above policies and guidance support initiatives to optimise housing supply where appropriate, and the application proposal as it stands would result in further intensification of the residential use of the development, which is supported.

Principle of loss of the existing open space/community garden

- 6.19 Policy 7.22(b) of the London Plan seeks to encourage and support land for growing food near to urban communities. The follow on text within 7.22(c) emphasises that borough's should identify spaces for community gardening, and encourages innovative approaches to securing such provisions.
- 6.20 Objections were received that the proposal will result in loss of open space. The Council's own policy DM10 of the Managing Development Document protects open spaces from development however this policy applies only to designated open spaces such as Metropolitan Open Land, Major and Local Parks as well as public squares, outdoor sports facilities; registered allotment; and burial grounds and is therefore not applicable to the application site. In addition, it is confirmed that across the Estate it has delivered approximately 9,330sq.m. communal open spaces (5,128 sq. m comprises semi private/communal amenity and the remainder being general landscaped areas) for 679 residential units which exceeds minimum standard as set out in the Managing Development Document.
- 6.21 At present, the application site is partially used as a temporary communal food growing garden space for residents on the Crossways estate (area of approximately 209m²) and it is screened by high metal railings. Officers recognise that the principle of this provision is of significance to local residents and accordingly, the re-provision of the use in a formalised form is supported as this is likely to have long term community benefits within this Estate. The total area proposed for the community food growing proposal will be 370sq.m, which would be located east and western ends of the development site.
- 6.22 Objections have been received on grounds that the proposal will result in the loss of the existing community garden; however, the re-provision of a formalised community garden would continue to benefit the community.

- 6.23 Therefore, given the above, there is no issue with the land use, and the proposed housing on this brownfield site is supported in policy terms.

Housing

Housing Mix

- 6.24 The scheme seeks to provide 100% family sized units (against the borough target of 20%), which is acceptable and accords with Policy 3.8 in the London Plan (2011), policy SP02 of the Core Strategy (2010), policy DM3 in the Managing Development Document (2013), which seeks to optimise the supply of suitable sized family accommodation, where appropriate.
- 6.25 Policy DM3 (3) advises that developments should maximise the delivery of affordable housing on site and DM3 (4b) further states that affordable housing will be calculated “based on the total housing existing or permitted as part of a development, where a scheme proposes additional housing” and the policy is keen to promote mixed and balanced communities, ensuring no overconcentration of one type of housing. As the scheme proposes an uplift of housing units over and above that consented under the outline scheme, it is considered that this policy would be applicable in this instance.
- 6.26 The Housing Strategy Team, were consulted with regard to the proposal and they have confirmed that the total site wide development has resulted in 479 affordable housing units out of a total of 679 units, which in turn has provided 72% affordable units across the site. The proposal results in an additional 16 habitable rooms for private sale, however, it is considered that even with the net uplift, the scheme would still exceed its minimum of 50% affordable housing overall and it is important that a mixed and balanced community is promoted.
- 6.27 Given the high targets set for the provision of new housing in the borough, it is considered that the new houses will contribute towards meeting much needed family housing, whilst optimising the objectives to create a more mixed and balanced community within the Crossway Estate. As such, this meets policy DM3 in the Managing Development Document (2013) and Policy SP02 (1c) plus SP02 (5a) in the Core Strategy (Adopted 2010) and guidance set out in National Planning Policy Framework (2012). The above policies and guidance support initiatives to optimise housing supply where appropriate.

Residential Space standards

- 6.28 Policy 3.5 of the London Plan (2011 including alterations) and Policy DM4(1) of the Managing Development Document (2013) require all housing developments to include adequate provision of internal space in order to provide an appropriate living environment for future occupants, to ensure that the minimum space requirement in the London Plan are met.

Table 1

House	Unit Type	Size required GIA sq. m	Size proposed GIA sq. m	pass/fail
1	3 bed/5 persons	102sqm	115 sq.	Pass
2	3 bed/5 persons	102sqm	115 sq.	Pass
3	3 bed/6 persons	107sqm	122 sq m	Pass
4	3 bed/6 persons	107sqm	130 sqm	Pass

6.29 As shown in Table 1 above, the proposal would offer an acceptable internal floor area with well-considered layouts. As such, the internal layout of the units proposed would accord with policy 3.5 of the London Plan 2011 and Policy DM4 in the Managing Development Document (2013).

Private Amenity Space

6.30 Policy 3.5 of the London Plan (2011) and Policies SP02(6b) of the Core Strategy and DM4 of the Managing Development Document set out that a minimum of 5 sq. m of private outdoor space should be provided for 1-2 person dwellings with an extra 1 sq. m should be provided for each additional occupant. Balconies and other private external spaces should have a minimum width of 1500mm.

6.31 In terms of the external amenity spaces, this is provided in the form of ground floor private gardens on the southern end of the site. Three of the houses will also include terraces ranging between 8 sq metres and 14 sq metres at second floor level. In terms of the provision of external amenity space proposed, this is set out in the table below.

Table 2

House	Type	Size required GIA sq. m	Size proposed GIA sq. m	pass/fail
1	3 bed/5 persons	9 sqm	66.4 sq.m	Pass
2	3 bed/5 persons	9 sqm	43.6sq.m	Pass
3	3 bed/6 persons	9 sqm	32 sq m	Pass
4	3 bed/6 persons	9 sqm	41 sqm	Pass

6.32 Each of the houses will have private amenity space which exceeds policy requirements. The proposed garden spaces are generous in size however would be alongside railway viaduct and the usability would be restricted to a degree. Notwithstanding this, the spaces are considered to have some value for sitting out and likely to have some amenity value for the future occupiers. In addition, the internal dwelling sizes for the proposed houses also well exceed above the minimum standards and therefore the proposal would provide a good balance of amenity offered to the future occupiers. Whilst not meeting the Council's preferred conditions for an amenity space, officers do not consider that in this instance, the shortfall would seriously undermine the positive aspects of the scheme.

6.33 In addition, the proposed garden spaces fall within the buffer zone of the adjacent railway for London Underground Limited (LUL), where access may be required for

maintenance purposes. London Underground Limited has been consulted and no objection was raised against the scheme subject to the Council imposing a condition and informative to safeguard their infrastructure. Officers are satisfied that the garden spaces proposed can be delivered without unacceptably interfering with LUL's need to gain access to parts of the site for maintenance purposes.

Design

- 6.34 The National Planning Policy Framework (NPPF) sets out the Government planning policies for England and how these are expected to be applied. The NPPF constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications.
- 6.35 The NPPF sets out twelve core planning principles which "should underpin both plan-making and decision-taking." These stipulate that, amongst other matters, planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.' Specific advice on design is also provided in Section 7 '*Requiring Good Design*' in which it states that '*good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*' Furthermore, development should 'respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.'
- 6.36 Policy 7.4, 'Local Character' in the London Plan places emphasis on robust design in new developments, with regard to the local architectural character in terms of form, massing, function and orientation and seeks to ensure that new developments make a positive contribution to the character of a place and the street scene. Policy 7.6 in the London Plan seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimises the potential of the site.
- 6.37 Policies SP10 and SP12 in the Core Strategy 2010 and policies DM23 and DM24 in the Managing Development Document (2013) seek to ensure that buildings and neighbourhoods are designed to the highest quality standards, using appropriate materials and incorporating principles of good design, to ensure development is sensitive to and well – integrated with their surrounds.
- 6.38 The existing Crossways Estate is of a post war modernist design with a strong character defined by three tower blocks, which provides the vertical focal points on the Estate. Following the Estate regeneration, new relatively low rise flatted developments of varied architectural design have been built. The immediate context of the site includes part five, four and three storey buildings of a contemporary design to the north of the site. To the east of the site is a three storey terrace.
- 6.39 The application scheme will be three storeys in height with dual aspect and the rear and front elevations will be set in at second floor level. The total height of the houses will be approximately 9.2 metres and it will terminate with a flat roof.
- 6.40 The proposal is of brick built contemporary design which follows the horizontality of the new developments within part of the wider Crossways Estate regeneration. The proposed mass, bulk and scale including height are designed to be in keeping with the local character of the area.

- 6.41 The design rationale is a simple, brick building which is rectangular in shape and it will be oriented horizontally across the site from west to east and will have double glazed windows. The design detailing is seeking to provide large windows within the front elevation, set back behind the small front garden area, providing natural surveillance to the adjoining streets.
- 6.42 The design, scale and bulk of the proposed development is considered to be acceptable and the height of the proposed houses will be similar to those of the adjacent buildings(to the east 1-9 Rainhill way is three storeys high and the flatted development to the north of the site is part three, four and five storeys). The proposal therefore accords with Policies SP10 and SP12 in the Core Strategy 2010 and policies DM23 and DM24 in the Managing Development Document (2013) seek to ensure that buildings and neighbourhoods are designed to the highest quality standards, using appropriate materials and incorporating principles of good design, to ensure development is sensitive to and well – integrated with their surrounds.
- 6.43 The proposed houses will also be designed to Lifetime Home Standards and this would be secured through a planning condition and therefore accord with policy SP02 (6) of the Core Strategy (2010).

Amenity

- 6.44 Policy SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2010) seeks to ensure that the existing and future occupiers are safeguarded from unreasonable deterioration in amenity either through unacceptable reduction in the prevailing levels of sunlight and daylight, unacceptable reduction in outlook, the sky, unreasonable sense of enclosure, and external amenity spaces or unacceptable levels of noise.
- 6.45 Objections were received on grounds that the proposed bulk, mass; scale and height of the proposal would negatively impact existing levels of daylight or sunlight on neighbouring properties and overshadow the adjoining properties external amenity spaces.

Daylight and Sunlight

- 6.46 The application was accompanied by a Daylight and Sunlight Report which sets out the calculations of likely daylight and sunlight impacts which may arise from the proposed development to neighbouring properties. The Report is based upon the Guidelines set out in the Building Research Establishment (BRE) Handbook 'Site Layout Planning for Daylight and Sunlight 2011- A Guide to Good Practice' 2nd Edition, 2011(the "BRE guide") and also British Standard 8206-2:2008 – 'Lighting for Buildings-Part 2: Code of Practice for Good Lighting', to which the BRE guide refer. The report also tests the impacts of lighting levels to determine whether habitable rooms within the proposed building itself will receive adequate daylight and sunlight.The report takes account of the potential shadowing impacts of the proposal on the neighbouring amenity spaces including for the application site.
- Daylight
- 6.47 For calculating daylight impacts to neighbouring properties arising from a new proposal, the BRE (2011) guide emphasises that the vertical sky component (VSC) should be used as the primary method of assessment together with the No Sky line (NSL) assessment in situations where internal room layouts are shown or can be reasonably assumed. The tests are therefore applicable in this instance.

- 6.48 The VSC is a quantifiable measure of the amount of skylight falling on a vertical wall or window. The BRE handbook suggests that if the VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. The guidance states that if the Vertical sky component with the new development in place, is both less than 27% and less than 0.8 times its former value (more than 20% reduction), then the occupants of the existing building will notice the reduction in the amount of skylight. It should be noted that the VSC calculations only measures light reaching the outside plane of the window under consideration, so the calculations refer to potential light rather than actual light. Depending on the room and window size, the room may still be adequately lit with a lesser VSC value than the targets referred to above.
- 6.49 The NSL is a measurement of the proportion of the room which receives direct skyLight through the window i.e. it measures daylight distribution within a room. The BRE Handbook states that if an area of a room that receives direct daylight is reduced to less than 0.8 times its former value the effects will be noticeable to its occupants.
- 6.50 Where the assessment considers neighbouring properties yet to be built or for the proposed development then Average Daylight Factor (ADF) may be an appropriate method of assessment to supplement VSC and NSL as it takes into account the size of windows in question served by the window. British Standard 8206 recommends minimum standards of Average Daylight Factor (ADF) values for rooms which is dependent on their use. These being:
- 2% for kitchens;
 - 1.5% for living rooms; and
 - 1% for bedrooms
- Sunlight
- 6.51 For calculating sunlight, the requirements for protecting sunlight to existing residential buildings are set out in the BRE guidelines. A good level of lighting will be achieved where a window achieved more than 25% APSH, of which 5% should be in the winter months. When sunlight levels fall below the suggested recommendation, a comparison with the existing condition is advised and if the reduction is less than 0.2, i.e. the window continues to receive more than 0.8 times its existing sunlight levels, the impact on sunlight within the development in place will be acceptable. The BRE guidelines states that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south.
- 6.52 In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH and at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive enough sunlight.
- 6.53 The BRE guidance advise that for a garden area or amenity area to appear adequately sunlit throughout the year, at least 50% of the area should receive at least two hours of sunlight on 21st of March. In addition, if, as a result of a new development, an existing garden or amenity area does not reach the area target

above and the area which can receive two hours of direct sunlight on 21st March is reduced by 20%, the loss to the amenity spaces is likely to be noticeable.

6.54 It should be noted that the guidance within the BRE guidelines is not mandatory and the document should not be seen as an instrument of planning policy. Its aim is to assist rather than constrain developers and although it gives numerical guidelines, these calculations should be interpreted flexibly because natural lighting is only one of many factors in site layout design.

- Impact to neighbours

6.55 The neighbouring properties that were assessed are set out below:

- No.'s 17 to 21 Rainhill Way– to the northwest of the site
- 202 to 220 Bruce Grove – immediately north of the site
- 1 to 9 Rainhill Ways- east of the site.

17 to 21 Rainhill Way

6.56 30 windows within the above residential block were tested and the tests show that all of the windows would have above target VSC values and therefore these habitable rooms within these properties will continue to receive adequate daylight.

6.57 In respect of sunlight, a total of 30 windows were tested within the developments and all of the 30 windows will continue to meet above target values as set out in the BRE guidelines.

202 – 220 Bruce Grove

6.58 A total of 40 windows within the above residential block were tested and the tests show that all of the windows would have above target VSC values and therefore these habitable rooms within these properties will continue to receive adequate daylight.

6.59 In respect of sunlight, a total of 40 windows were tested within the developments and all of the 40 windows will continue to meet above target values as set out in the BRE guidelines.

1-9 Rainhill Way

6.60 20 windows within the above three storey houses were tested and the tests show that all of the windows would have above target VSC values and therefore the habitable rooms to these properties would continue to receive adequate daylight.

6.62 In respect of the impact of the development on sunlight hours for each given window to the existing buildings, it should be noted that the APSH criteria is not applicable as the only elevations with windows which face 90 degrees due south are windows which serve circulation areas, bathrooms, toilets, store rooms and garages.

6.63 In conclusion and having regard to the daylight and sunlight levels, it is considered that the proposed development will not have a detrimental impact on the adjoining properties.

- Assessment of the proposed development (Site 11)

- 6.64 In considering a residential scheme it is also important to ensure that the living conditions for future occupiers are appropriate and adequate daylight conditions are afforded in accordance with BRE guidelines.
- 6.65 To assess the daylight levels, the proposed rooms tested for ADF and of the 20 rooms were tested and the results show that 19 windows will meet the target values set out in the BRE guidelines.
- 6.67 Although the majority of rooms within the scheme meet the ADF minimum as defined by BRE, the report indicates that one of the windows fail the test. The failed window would be to a ground floor kitchen and the ADF values fall just below the BRE target values (achieving 1.9% against the target value of 2%). Given the minor nature of the departure, it is considered that the failure is not so significant as to warrant a refusal of the scheme.
- Impact on existing and proposed garden spaces
- 6.68 In accordance with BRE guidance, the applicant undertook an overshadowing assessment to test whether the proposed development would have any potential impacts on the external garden areas of the following properties:
- 202 to 220 Bruce Grove
 - 1 to 9 Rain Hill Way
- 6.69 The assessment results illustrate that there will not be any noticeable impacts to the garden areas of the properties tested and that all garden areas will receive up to 2 hours of sunlight. It should be noted in the case of 1-9 Rainhill Way that the existing garden areas are already extensively shaded and do not meet the BRE guidance due to the site constraints such as the narrow plot width of the garden, facing onto the high boundary fences to the gardens and extensive shading from the nearby trees. It is considered that on balance, the presence of the development would not significantly worsen the current situation. The BRE guidance allows for the trees and fences over 1.5 metres tall to be factored into the calculations, which needs to be taken into account in this case.
- 6.70 The overshadowing assessment in accordance with BRE guidance was also undertaken to test the impacts of shadowing on the proposed amenity/garden spaces of the proposed development. The results illustrate the proposed community garden areas to the east and west of the site will benefit from adequate sunlight.
- 6.71 In respect of the proposed private amenity spaces for the four houses, the test shows that the desired proportion of garden space (50%) will not be sunlight throughout the year. This is due to the site being within close proximity to the elevated railway viaduct to the south of the site, which presents a significant obstruction. However, at least 20% of the amenity area which will still provide the Council's minimum amenity space standards will receive adequate sunlight on 21st March. The level of sunlight to the garden spaces could be improved by removing the obstructions behind (i.e. the railway viaduct) or reducing the development site coverage, however, neither of these options would be feasible in this instance. On balance, and given the site constraints and the site's urban context, the shadowing impacts to the amenity areas are considered to be acceptable and would accord with the BRE Guidelines which advises that where gardens are heavily obstructed, the loss should be kept to a minimum.

- 6.72 On balance, it is considered that the daylight/sunlight impacts arising from the development will not significantly impact neighbouring properties or the proposed development and will result in acceptable living conditions for the existing and future residents.

Privacy

- 6.73 Policy DM25 in the Managing Development Document seek to protect the amenity of surrounding existing and future occupiers and provides guidance that a distance of 18 metres between habitable room windows would reduce inter-visibility to a degree that would be acceptable to most people to ensure acceptable level of privacy and overlooking.
- 6.74 The residential block at No.202 – 220 Bruce Grove ranges between 3 and 5 storeys and its rear windows are approximately 16.5 metres from the site, across the other side of Rainhill Way. Given the separation distance over the road, and the general existing block pattern within the immediate surrounding having distances less than 18m, this relationship is considered acceptable, on balance. To the east of the site is the three storey row of terrace houses at No.'s 1-9 (odd) and the application proposal has been designed with a reasonable separation distance of 16.1 metres from the proposed eastern elevation of the proposed development to the nearest window.
- 6.75 The proposed eastern elevation of development has no windows and as such the proximity of the proposal to these buildings raises no significant impacts in terms of unacceptable overlooking or reduction in privacy. In addition, a condition would be imposed to ensure that any building works, including any new insertion of windows which can be carried out without the requirement of a planning permission would be controlled (i.e. restrict permitted development rights).
- 6.76 However, it is noted that the design of house located at the eastern end of the site includes a terrace on the rear southern elevation and future residents could potentially overlook the gardens in the east direction towards 7-9 Rainhill Way. To ensure that the overlooking impact is minimised, the proposal includes a privacy screen to the eastern side of the terrace and it is considered that the proposed height and type of glazing can be conditioned to be retained permanently to safeguard privacy to the affected properties.
- 6.77 It is also noted that the previous appeal decisions for the application site, the Planning Inspector raised no objection to the use of a condition to mitigate potential privacy impacts. It is therefore considered that a condition can be appropriately applied in this case to safeguard privacy to the existing residents to the east.
- 6.78 The residents of terraces at 1-9 Rainhill Way have also raised concerns to their privacy from the proximity of the proposed Community garden area which would be located on the eastern side of the application site. This is due to the existing houses' rear gardens and its accesses would be adjacent the proposed Garden which would be separated by footway. It is considered that, given the existing high brick wall which encloses the existing private garden areas for the residents, there would be no direct overlooking from the users of the community garden area. With regards to the additional concerns raised in relation to the creation of a dark alleyway between the proposed development and the footway, the proposed eastern boundary treatment would be designed to be low and open in character to allow natural surveillance and therefore would not lead to unsafe environment.

Outlook/sense of enclosure

- 6.79 The assessment of sense of enclosure including the impact upon outlook is not a quantifiable measurement and the assessment of this element is normally a matter of judgement. However, it is judged that where there is significant daylight and sunlight infringements or unreasonable reduction in privacy arising from a development, this is normally an indicator that the proposal would be overbearing, resulting in detrimental impacts to outlook and sense of enclosure.
- 6.80 Objections have been received on grounds that the proposal would have unacceptable impact on neighbouring properties. Officers accept that there will clearly be some visual impacts on outlook for the existing occupiers to the east of the site at No.1-9 RainhillWay; primarily because the new three storey houses are proposed on land which is currently open grassed area. However, given the separating distances proposed (16.1 metres) between the application site and these properties, it is not considered that the impact on outlook would be sufficient to warrant a refusal of the scheme on this ground alone. Additionally, given the urban context of the site, the proposal will not result in unacceptable sense of enclosure for those windows facing onto the new development or to the garden area of the properties.
- 6.81 Similarly, officers have considered the impact of the proposal on the flatted developments to the north of the site and it is considered that there is adequate separation distance between the proposal and these developments (between 16 -18 metres) such that the proposal will not have an overbearing impact on these properties. On balance, it is considered that the impact of the proposal on outlook/sense of enclosure for the surrounding properties would be acceptable and no unduly detrimental impacts will result.
- 6.82 With regard to the living conditions for future occupants of the houses, as discussed earlier, the proposed design would offer acceptable standards of daylight and sunlight within habitable rooms and the degree of enclosure of the site are affected by the site constraints. However, the applicant has made a concerted effort to set back the built form from the viaduct wall and allow greater than the minimum internal space standards for the new houses to compensate for the identified shortfalls. Furthermore, the proposed design ensures that the usability of both the internal spaces and external areas are maximised. Whilst there are some compromise to future occupiers in terms of outlook, this shortfall alone does not justify the refusal of the scheme on this ground

Contaminated land

- 6.83 The NPPF, Policies 5.21 and 5.22 in the London Plan and Policy DM30 in the Managing Development Document (2013), requires suitable site investigation and remediation schemes to be secured and agreed for development proposals on contaminated or potentially contaminated land.
- 6.84 The application was accompanied by a Desk Study Report (reference 13860DS) dated June 2014 which assessed the likely contamination of the site. The document was reviewed by the Council's Environmental Health officer, who advised that subject to conditions to ensure that appropriate mitigation measures are in place, there are no objections on the grounds of contaminated land issues.

Noise

- 6.85 The NPPF seek to ensure that Local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider:
- Whether or not a significant adverse effect is occurring or likely to occur;
 - Whether or not an adverse effect is occurring or likely to occur; and
 - Whether or not a good standard of amenity can be achieved
- 6.86 Policy 7.15 of the London Plan (2011) sets out guidance in relation to noise for new developments and in terms of local policies and policies SP03 and SP10 of the Core Strategy (2010) and policy DM25 of the Managing Development Document (2013) seek to minimise the adverse effects of noise on new developments.
- 6.87 The application site is bounded on its southern side by an elevated railway viaduct and the northern part of the site fronts onto an estate road. The railway line adjoining the site serves three separate London Underground Lines (LULs) and over ground services makes use of the tracks in both directions. The road traffic along Rainhill Way is considered to use infrequently as it is an estate road.
- 6.88 The application was accompanied by a Noise Survey and Assessment report which was reviewed by the Council's Environmental Health Team (Noise and Vibration). Concerns were raised initially about the impact of noise and vibration on the future and further details were requested about the impact of the proposal on ground-borne noise (reradiated noise from the over ground railway).
- 6.89 The additional information provided has been reviewed and is considered satisfactory. The applicant is advised to ensure appropriate standard of internal noise insulation is provided for the development through the provision of high acoustic performance double glazing, acoustically rated background ventilators and through appropriate methods of construction. These matters would be secured by condition.

Demolition and Construction Noise and Vibration

- 6.90 The Noise Assessment submitted acknowledged the potential for adverse effects from construction and site preparation works, however, it is considered that noise and vibration levels as a result of any implementation works on site can be minimised by mitigation methods such as through appropriate piling methods, fitting equipment with silencers which can be employed to ensure that noise levels are kept to an acceptable minimum.
- 6.91 A series of condition, including the need for a Construction Traffic Management Plan would be applied to ensure that all works accord with best practice.
- 6.92 On balance, officers are satisfied that appropriate conditions can be applied to secure acoustic glazing, and to achieve satisfactory noise levels within each unit to achieve satisfactory living conditions. Furthermore, conditions can be applied mitigate any associated noise and vibration impacts arising from construction which is in line with the objectives in Policy 7.15 in the London Plan (2011), Policy SP10 in the Core Strategy (2010) and Policy DM25 in the Managing Development Document (2013).

Biodiversity

- 6.93 Policy SP04 of the Core Strategy and Policy DM11 of the MDD seeks to protect and enhance biodiversity value through the design of open spaces and buildings and by

ensuring that developments enhance areas of biodiversity value in order to achieve a net gain in Biodiversity. SP04 (2) of the Core Strategy seeks to promote and support new developments that provides green roofs, and other measures to green the built environment.

- 6.94 The Council's Biodiversity officer has been consulted in this regard and the feedback states that the site has limited biodiversity value, although it is recognised that the site could provide a potential habitat for a range of invertebrates, and a food source for seed-eating birds. The proposed development has been assessed on having a minor adverse impact on biodiversity. The applicant's proposal to provide food growing initiatives is welcome and could potentially increase the biodiversity value of the site. A condition is advised to secure full details of the proposed landscaping and also details of green roofs can be secured on the proposed flat roofs. Subject to the conditions advised, it is considered that the proposal would enhance biodiversity on and surrounding the site in compliance with Policy SP04 of the Core Strategy (2010) and Policy DM11 of the MDD.

Trees

- 6.95 Policy 7.21 of the London Plan acknowledges that the role that trees play in terms of the townscape of the built environment and it emphasizes that existing trees of value should be retained and any loss as a result of a development should be replaced following the principle of 'right place, right tree'.
- 6.96 Policy SP04 in the Core Strategy (2010) and Policy DM23 in the Managing Development Document seeks to ensure that developments within the public realm are comfortable and useable.
- 6.97 There are five trees within the application site (Sycamore, London Plane, Ash and 2 x Silver Maple). The proposal seeks the felling one tree (London Plane) on the east part of the site to facilitate the development. The Council's Arboriculture Trees Officer has no objection to the felling of the tree but notes its amenity value. It is noted that the tree to be felled has some amenity value and a replacement tree to mitigate the loss of the amenity/environmental benefits of the existing tree would be conditioned. Tree protection measures would also be conditioned to ensure that the roots of the existing trees are protected during construction periods.

Refuse

- 6.98 All servicing, including refuse recycling collection would take place from Rainhill Way as per the existing situation for the residential properties on the northern side of the road. A separate refuse and recycling bin store is proposed to be located adjacent to the front door of each of the properties.
- 6.99 The Council's Cleansing Team was consulted on the proposal and no objection was raised with regard to the proposed servicing arrangements for the site or the refuse/storage details proposed. It is envisaged that a 278 agreement will be required and this can be addressed by way of a condition. Additionally, a condition will be applied to ensure waste and recyclable storage facilities proposed are secured prior to the first occupation of the development and retained as approved thereafter
- 6.100 The proposal is acceptable in terms of the refuse/recycling provision and servicing proposed and therefore subject to the conditions requested, the scheme would accord with Policy SP05 in the Adopted Core Strategy 2010 and policies DM14 and DM25 in the Managing Development Document (2013), which seek to ensure

adequate waste collection and disposal facilities are incorporated into new developments.

Transportation and Highways

- 6.101 The National Planning Policy Framework (2012) seeks to promote sustainable modes of transport and accessibility and reduce the need to travel by car. Policies 6.3, 6.9 and 6.13 of the London Plan require transport demands generated by new developments to be within the capacity of the existing highway network.
- 6.102 Policy SP09 of the Core Strategy (2010) and Policies DM20 and DM22 of the Managing Development Document (2013) seek to ensure that new developments do not have an adverse impact on the safety and local road network or compromise pedestrian safety. The applicant submitted a Transport Statement to outline the highway related impacts that the proposal would have on the local highway network.

Car Parking

- 6.103 The proposal does not include any onsite car parking spaces and the site benefits from relatively good access to public transport, with PTAL rating of 3. The proposal has been assessed by the Transportation and Highways team, who have raised no objection to the nil parking provision and recommends that a car permit restriction be secured by way of a S106 agreement. It is considered that subject to the legal agreement, the proposal would accord with Policies 6.3, 6.13 of the London Plan, SP09 (4) of the Council's Core Strategy (2010) and DM22 (2) of the Managing Development Document (2013), which seeks to ensure that developments in sustainable locations are car and permit free.

Cycle Parking

- 6.104 The Council's Cycle parking standards [set out in Appendix 2(1)] of the Managing Development Document (2013), requires the provision of one cycle parking space per 1 and 2 bed residential unit and two cycle parking spaces per 3+ bedroom units.
- 6.105 The proposal includes a cycle store which can accommodate up to two bikes within the each of the rear garden of the proposed dwellings. This is considered acceptable given the spatial constraints of the site and a condition will be imposed on the planning permission to ensure that the cycle stores are provided for the future occupiers prior to occupation of the residential units.
- 6.106 Subject to this condition, it is considered that the proposal would accord with Policy 6.9 of the London Plan (2011) and Policy DM22 (4) of the Council's Managing Development Document (2013), which seek to promote sustainable forms of transport and seek to ensure that adequate, safe and secure cycle parking provision.

Energy and Sustainability

- 6.107 At a National level, the NPPF encourage developments to incorporate renewable energy to promote energy efficiency.
- 6.108 The London Plan sets out the Mayor of London's energy hierarchy which is to:
- Use less energy (be lean)
 - Supply Energy Efficiently
 - Use Renewable Energy (Be Green)

- 6.109 The London Plan 2011 also includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).
- 6.110 Policy SP11 of the Core Strategy (2011) requires all new developments to provide 20% reduction in Carbon Dioxide emissions through on site renewable energy generation. Whilst, Policy DM29 within the Managing Development Document requires developments to achieve a minimum of 50% reduction in CO2 emissions above the Building Regulations 2010 and requires sustainable design assessment tools to be integrated into new developments to ensure that climate change measures are met.
- 6.111 The new houses will be designed to achieve Code for Sustainable Homes Level 4. In addition, a photovoltaic array is proposed on the flat roof area of each house. The Council's Energy Efficiency officer welcomes the integration of renewable energy technologies within the proposal, subject to conditions to secure full details of the PV and the development meeting the Code for Sustainable Homes Level 4. Subject to the conditions above, it is considered that the proposal would accord with Policies 5.3 and 5.7 of the London Plan (2011) and Policy SP11 of the Core Strategy and Policy DM29 of the MDD.

7 Human Rights Considerations

- 7.1 In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determinations of this application, members should consider the following:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by the law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public's interest (Convention Article 8); and
 - Peaceful enjoyment of possession (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between competing interests of the individual and of the community as a whole"
- 7.2 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 7.3 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

- 7.4 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's power and duties. Any interference with a Convention right must be necessary and proportionate.
- 7.5 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 7.6 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 7.7 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified.

Other Financial Considerations

- 7.8 Localism Act (amendment to S70 (2) of the TCPA 1990)

Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:
 - 7.9 The provisions of the development plan, so far as material to the Application;
 - Any local finance considerations, so far as material to the application; and
 - Any other material consideration.
- 7.10 Section 70(4) defines "local finance consideration" as:
 - 7.11 A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - 7.12 Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 7.13 Section 70(4) defines "local finance consideration" as:
 - 7.14 A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 7.15 In this context "grants" might include New Homes Bonus.
- 7.16 These are material planning considerations when determining planning applications or planning appeals.
- 7.17 Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. As regards to local finance considerations, the proposed S.106 package has been detailed in full which complies with the relevant Statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.

- 7.18 As regards Community Infrastructure Levy considerations, following the publication of the Inspector's Report into the Examination in Public in respect of the London Mayor's Community Infrastructure Levy, Members are reminded that the London Mayoral CIL became operational from 1 April 2012 and is payable on this scheme. The likely net CIL and Cross rail payment associated with this proposal would be in the region of £16, 835.
- 7.19 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 7.20 Using the DCLG's New Homes Bonus Calculator, and based on the Indicative Scheme this development may generate £5,822 in the first year and a total payment of £34,9334 over 6 years.

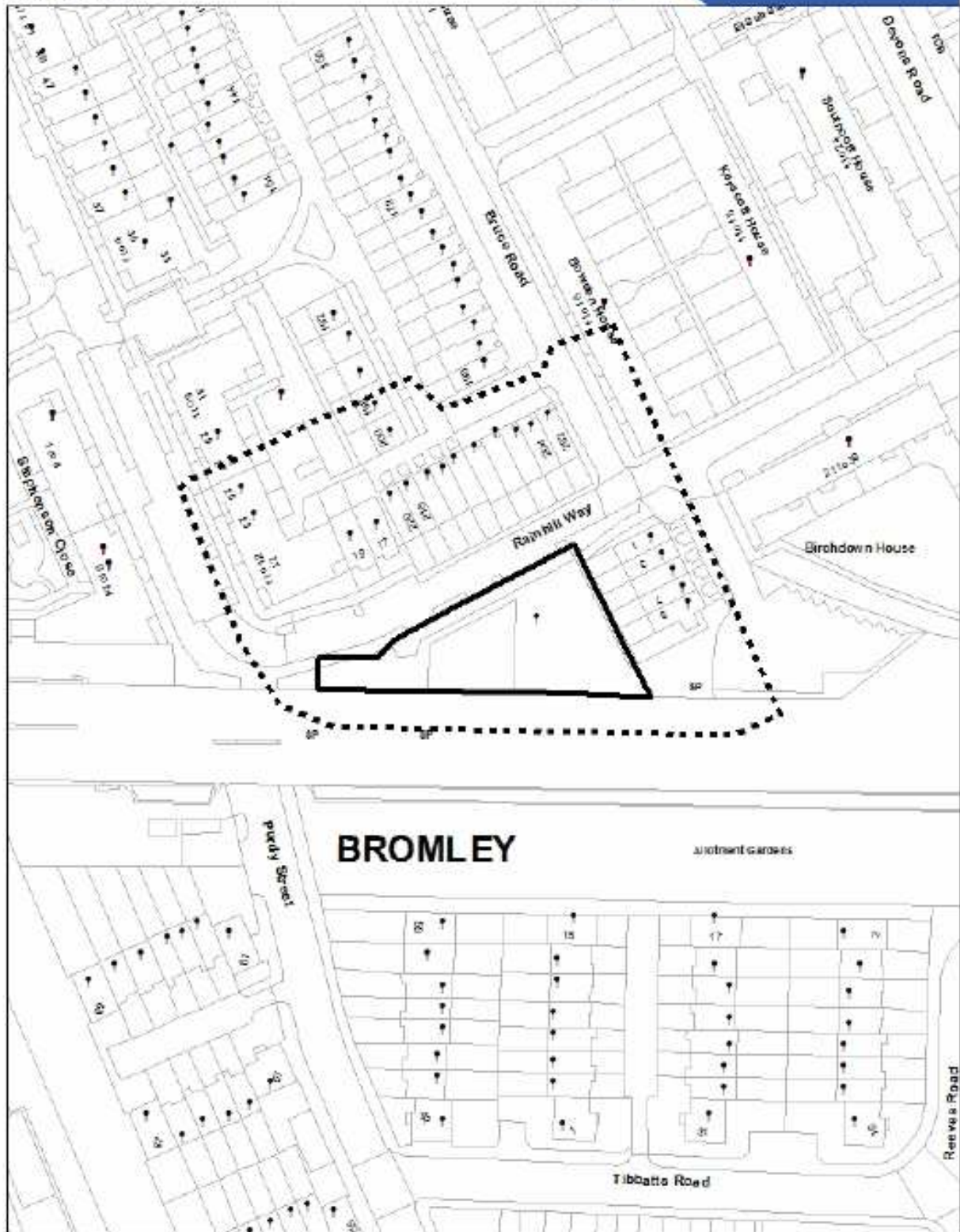
8 Equalities Act Considerations

- 8.1 The Equality Act 2010 provides protection from discrimination in respect of certain Protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:
- 8.2 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.3 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 8.4 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.
- 8.5 With regard to the proposed development, this allows for an inclusive and accessible development for less-able and able residents, employees, visitors and workers. Conditions secure, inter alia, lifetime homes standards for each of the units proposed.

Conclusion

- 8.6 All other relevant policies and considerations have been taken into account. Planning permissions should be **granted** for the reasons set out in the RECOMMENDATION section of this report.

Planning Application Site Map
PA/14/01486



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 6.2

Committee: Development Committee	Date: 15 th October 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Application for Decision
Case Officer: Gerard McCormack	Ref No: PA/14/01595
	Ward: Bow East

1. APPLICATION DETAILS

Location:	369a Roman Road, London, E3 5QR
Existing Use:	Mixed use ground floor unit with A1 retail provision at the front and residential accommodation at the rear. Ground floor currently vacant.
Proposal:	<p>Variation of condition 2 of planning permission PA/12/02272 dated 27th February 2013 for the: "Installation of a new shopfront, retention of retail unit to Roman Road frontage, and the conversion of the remainder of the unit into a two bedroom flat</p> <p>The variation is sought to enable the following minor material alterations:</p> <ul style="list-style-type: none">• Internal alterations to the layout of the retail and residential units• Changes to the design and dimensions of Vivan Road light wells including additional glazing
Drawing and documents:	<ul style="list-style-type: none">• A01 dated 18th September 2014• A02 dated 18th September 2014• A03 dated 18th September 2014• Letter from GVA dated 13th June 2014 in relation to daylight and sunlight
Applicant:	Mr T Creber
Ownership:	Ms Sarah Halls - Craggs
Historic Building:	N/A
Conservation Area:	The Driffield Road Conservation Area

2. EXECUTIVE SUMMARY

- 2.1. The Local Planning Authority has considered the particular circumstances of these applications against the Development Plan, national, regional and local guidance and other material planning considerations as set out in this report and recommends the approval of planning permission for the reasons set out in the 'Material Planning Considerations' section of this report.
- 2.2. The application seeks permission to vary condition 2 of planning permission PA/12/02272, with changes sought internal layout of the residential and retail areas as well as the external elevations of the property. The amends are considered to be an appropriate and will serve to enhance the character and appearance of the Driffield Road Conservation Area and subject to conditions, would be acceptable in all other respects.

3. RECOMMENDATION

- 3.1. That the Committee resolve to GRANT planning permission subject to appropriate safeguarding conditions:
- 3.2. That the Corporate Director for Development & Renewal is given delegated authority to impose the following conditions and informatives (or add or remove conditions acting within normal delegated authority) in relation to the planning permission on the following matters:-

3.3. Conditions for planning permission

1. Time limit three years from 27th February 2013
2. Development to be carried out in accordance to the approved plans
3. Detail to match the external finish of the existing building
4. Hours of building work
5. Provision of refuse and recycle facilities
6. Provision of cycle storage

3.4. Informatives

1. The development will be liable for Community Infrastructure Levy Payments
2. The planning application should be read in conjunction with the previously signed s106 car free agreement in relation to planning permission PA/12/02272.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1. The application seeks planning permission to vary condition 2 of planning permission PA/12/02272 by seeking alterations to the approved plans. Internal and external alterations are proposed to the ground floor and basement of the residential and retail units. The main changes to the residential unit involve a reduction in the size of the approved light wells, repositioning of the entrance door, insertion of a new door within the Vivian Road elevation and internal staircase to the basement. In relation to the retail unit a second entrance door, spiral staircase, toilet and increase in retail floor area are proposed.

Site and Surroundings

- 4.2. The application relates to the ground floor and basement of a new built three storey end of terrace building located on the corner of Roman Road and Vivian Road giving it a prominent appearance within this location. Retail use on ground floor with residential above.
- 4.3. The site is not listed nor are there any listed buildings in its vicinity. The site forms part of the Driffield Road Conservation Area and the Roman Road East District Town Centre and lies in a predominantly residential area with a strong commercial spine of Roman Road.

4.4. Relevant Planning History

PA/12/02272: Installation of new shopfront retention of a retail unit to Roman Road frontage, and the conversion of the remainder of the unit into a two bedroom flat.

Approved under delegated powers on 27th February 2013

PA/13/00827: Approval of details pursuant of condition 4 (car free) of planning permission PA/12/02272.

Approved 3rd October 2013

4.5. Relevant Planning Enforcement History

ENF/10/00105 – Enforcement notice issued 9th May 2012 in relation to existing unauthorised shopfront comprised of wooden slat hoardings.

5. POLICY FRAMEWORK

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

5.2. Government Planning Policy Guidance/Statements

National Planning Policy Framework (March 2012) (NPPF)

Technical Guidance to the National Planning Policy Framework (March 2012) (TG)

5.3. Spatial Development Strategy for Greater London - Revised Early Minor Alterations to the London Plan October 2013 (LP)

7.4 – Local Character

7.8 – Heritage Assets and Archaeology

5.4. Tower Hamlets Core Strategy (adopted September 2010) (CS)

SP01 – Refocusing on our Town Centres

SP02 – Urban living for everyone

SP09 – Creating Attractive and Safe Streets and Spaces

SP10 – Creating Distinct and Durable Places

SP12 – Delivering Placemaking

5.5. **Managing Development Document (adopted April 2013) (MDD)**

DM1 – Development within the Town Centre Hierarchy
DM3 - Delivering homes
DM 4 – Housing standards and amenity space
DM15 – Local Job Creation and Investment
DM20 – Supporting a Sustainable Transport Network
DM22 – Parking
DM24 – Place-sensitive Design
DM25 – Amenity
DM27 – Heritage and the Historic Environment

5.6. **Other Relevant Documents**

The Driffield Road Conservation Area Character Appraisal and Management Guidelines

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:

6.3. **Internal Consultees**

Building Control

6.4. Have confirmed and external door needs to be provide within 3 metres of top of the staircase leading from the basement in order to provide an appropriate means of escape.

Neighbours Representations

6.5. 11 planning notification letters were sent to nearby properties. Press and site notices were also displayed.

6.6. In total, 41 objections were received including a representation from Councillor Joshua Peck.

A summary of the objections received

6.7. The proposal would result in an unacceptable loss of retail floorspace

Officer's response – The application has been amended so the retail provision will be more than that approved under application PA/12/02272.

6.8. The window frontage would be reduced as a result of the proposed bin store for the flat on the 1st floor.

Officer's response – A bin store is no longer proposed within this cupboard at the bottom of the stair case to the 1st floor flat which protrudes into the retail unit. It is proposed to keep this cupboard as this is where the electricity and gas supplies enter the building which would be costly to remove and mean further alterations to the external appearance of the property. The existing block work which the external

render has been attached to will be removed to allow for a window to be installed as originally approved. This should provide a future retailer with some display space as well as increasing the frontage along Roman Road.

- 6.9. The proposal would have a detrimental impact on the vitality and viability of the designated Roman Road East District Centre

Officer's response – The principal of the proposal has been agreed as part of planning permission PA/12/02272 only seeks alterations to the internal layout and external appearance of the approved permission.

7. MATERIAL PLANNING CONSIDERATIONS

Background

- 7.1. The original planning application (BW/97/20) for the erection of a three storey building to provide a drop-in centre and bookshop on the ground floor with three flats above was never implemented in accordance to the approved plans. An application (PA/12/00354) was then submitted seeking permission to have all of the ground floor in residential use which was refused and subsequently dismissed on appeal. An enforcement notice was also issued requiring the unauthorised shop front to be removed and replaced in accordance to the original approved plans for the development.
- 7.2. Following the appeal decision another application (PA/12/02272) was submitted and approved which overcame the previous concerns. It is the plans of this approved application for the installation of a new shopfront, retention of retail unit and conversion of the remainder of the ground floor into a residential unit which this proposal seeks to alter.

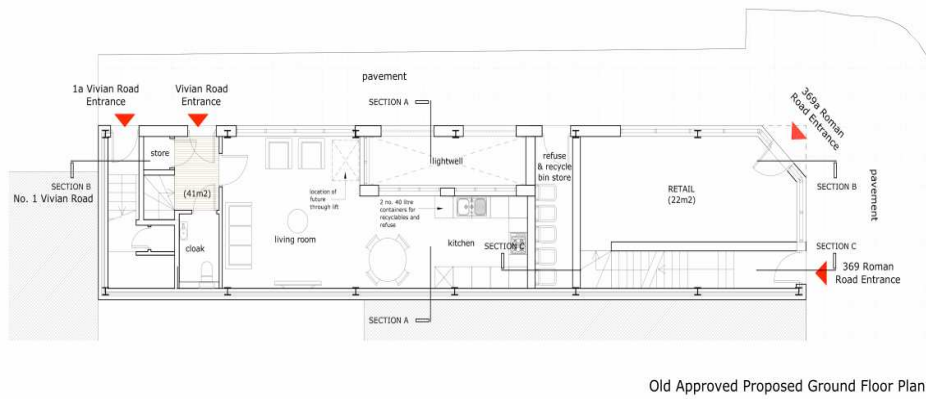
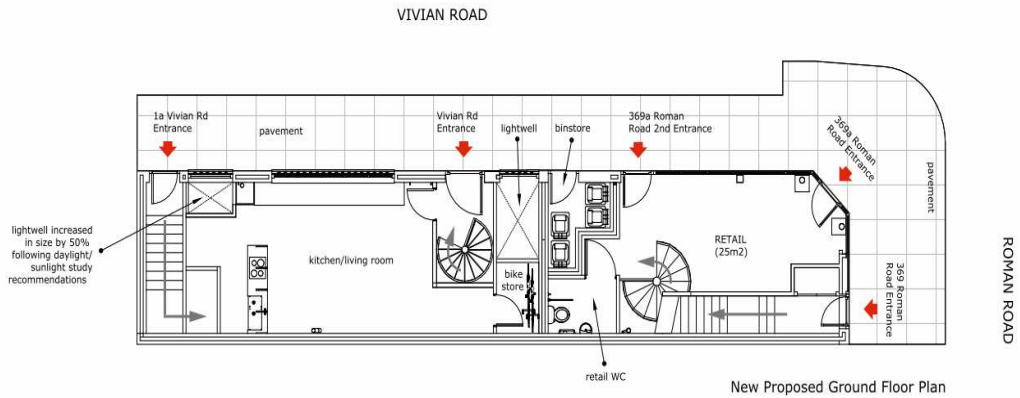
Scope of consideration of application

- 7.3. Section 73 of the Town and Country Planning Act 1990 (as amended) allows for an application to be made to develop land without compliance with conditions previously attached or to grant planning permission subject to conditions that differ from those previously imposed. S73 states that on receipt of such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted. As such, in determination of any application for amendments, officers do not revisit the principle of the development and only consider the potential impact of proposed changes.

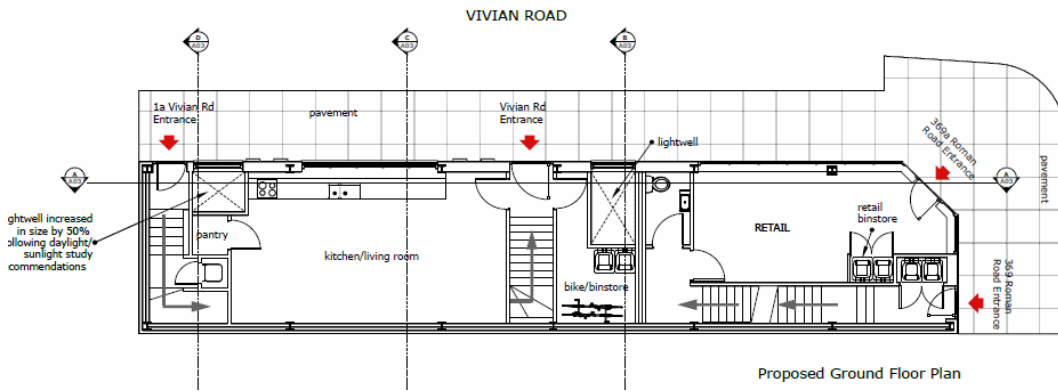
Differences of between approved and proposed plans

- 7.4. This application seeks to vary the approved plans to alter the internal arrangement of the approved units and to make modifications to the external appearance of the external appearance of the property. The plans below show the proposed differences to the ground floor and basement layouts

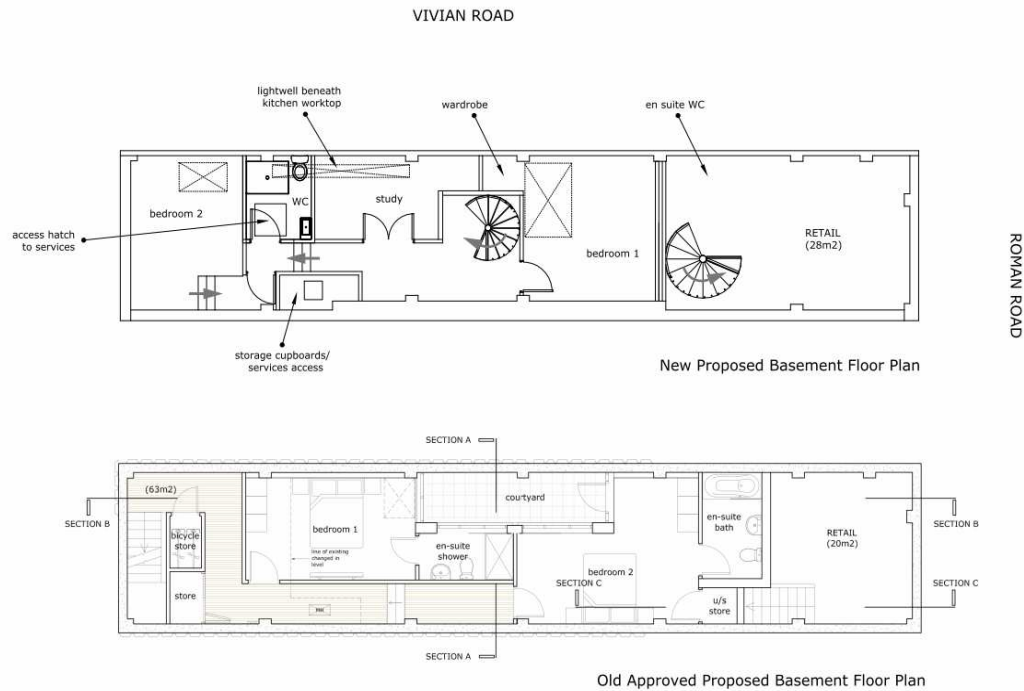
Ground floor



The original submitted plan which the main body of the objections referred to has now been amended as shown above.



Basement



Impact on living conditions of occupants of the flat

- 7.5. The layout of the residential unit would be altered with the main entrance door and access staircase to the basement moved from the rear of the property closer to the retail unit. The light wells within the unit would be reduced in size increasing the size of the kitchen and living room area.
- 7.6. The alterations of the light wells will lead to a reduction in daylight and sunlight to the bedrooms and bathroom located within the basement. This has been assessed and both bedrooms would achieve a high level of daylight distribution coverage close to 90% of the room area. This would ensure an even spread of daylight throughout the bedrooms when in occupation. The minimum recommended target value for a bedroom is 1% average daylight factor (ADF) as set out in the British Standard Document. The ADF analysis indicates that the larger bedroom will achieve 1.67% ADF whereas the smaller bedroom would achieve close to 0.8% ADF.
- 7.7. Therefore the larger bedroom will achieve in excess of the minimum 1% recommended target whereas the smaller bedroom will just fall short. Although the result for the smaller bedroom is technically below the recommended level it is considered typical and consistent for an urban environment and therefore acceptable.
- 7.8. On balance it is felt that larger more useable living and kitchen area created at ground floor level would compensate the occupants of the unit for the mild deficiency in light to the bedrooms within the basement.

Alterations to the retail unit

- 7.9. The retail floor area will have been increased by six square metres from compared to the approved scheme. A toilet has been added improving the welfare provision within the unit for both staff members and customers. Due to building regulations requirements a second external door has been provided on the Vivian Road elevation within 3 metres of the top of the staircase to the basement.
- 7.10. Following discussions with officers the plans originally submitted been amended to incorporate a window panel as shown as part of the PA/12/02272 application on the Roman Road elevation. The applicant is reluctant to move the storage cupboard used by the occupants of the first floor flat. Due to it being included in the lease of the 1st floor flat creating legal complications, the expense of relocating the main gas and electric supply to the building and the lack of a suitable alternative area to house the gas and electric supply.
- 7.11. Although the storage and utilities cupboard remains a gap is proposed between it and the window. Allowing a future retail tenant to advertise with the window and display items despite the space being limited. The applicant has started discussions parties interested in renting the retail unit and have received positive feedback from a company specialising in selling art work.

Heritage and design

- 7.12. Policies SP09, SP10 and SP12 of the Core Strategy 2010 and policies DM23, DM24 and DM27 of the Managing Development Document, seek to ensure development is designed to the highest quality standards, using appropriate materials and incorporating principles of good design, to ensure development is sensitive to and enhances the site and local character of the surrounding area, preserving the Borough's conservation areas.
- 7.13. The relocation of the entrance door, inclusion of a new entrance door, slight changes to the window arrangement and modifications to the lightwell would not detract from the overall appearance of the Driffield Road Conservation. They have been designed to relate well to the surroundings and are broadly in line with the previously approved plans.

Cycle Parking

- 7.14. The Council's cycle parking standards are set out in Appendix 2(1) of the adopted Managing Development Document (2013), which for residential units requires the provision of 1 cycle parking space for 1 or 2 bedroom units, such as this one.
- 7.15. The previous approved plan had the cycle storage shown in the basement. This proposal seeks to move the cycle store to ground floor level which would be more appropriate and easier to access than having it in the basement. The layout and size of the cycle store meets the required standards with three cycle racks being provided. It is therefore considered that the proposals include adequate provision of secure, usable cycle parking facilities, in accordance with the requirement of Policy DM22(4) of the Council's adopted Managing Development Document (2013) and Policy 6.9 of the London Plan (2013).

Refuse and Recyclables Storage

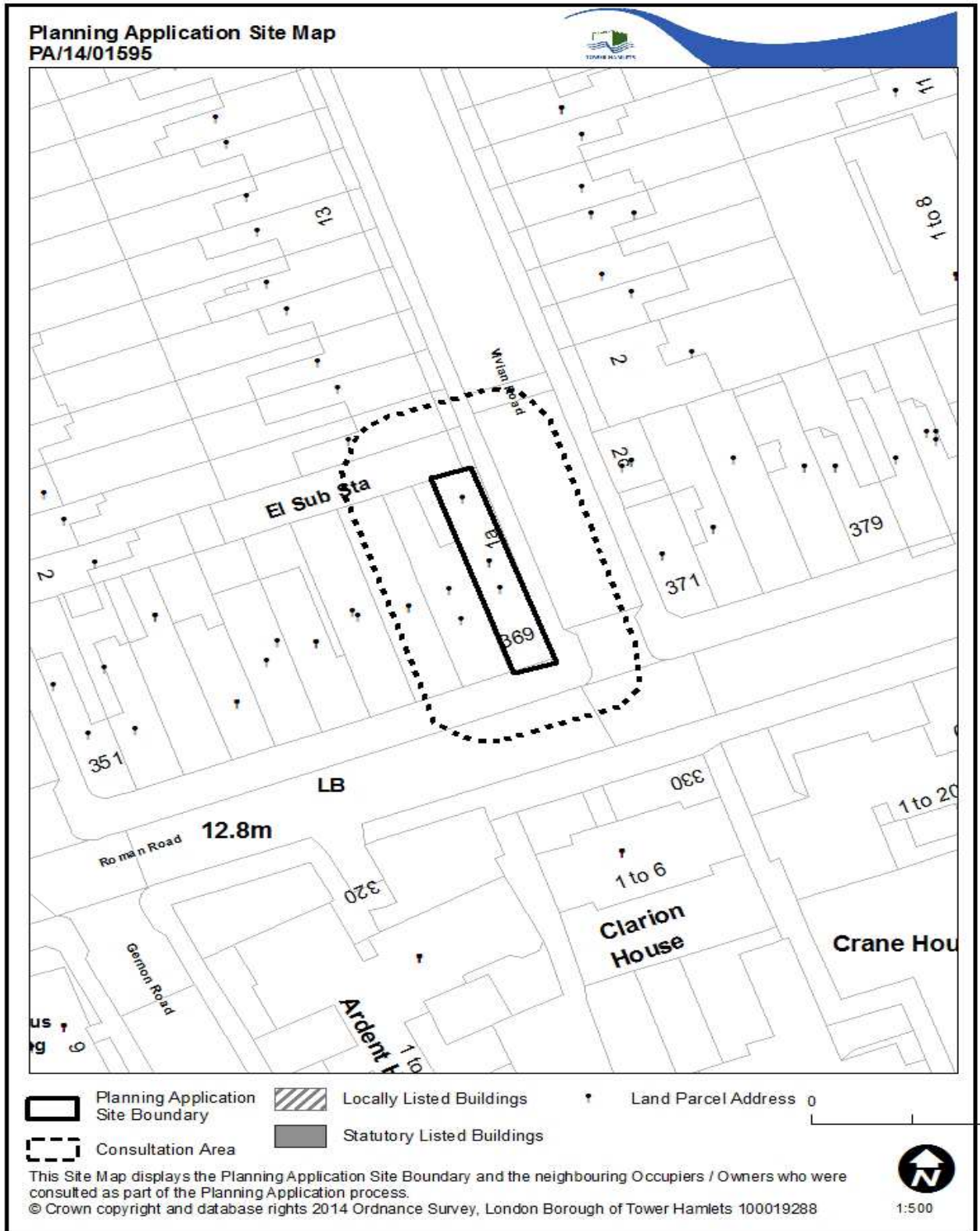
- 7.16. The refuse residential storage area would be made smaller than approved which is deemed to be satisfactory given the additional storage provided at the bottom of the entrance stairs to the first floor flat. A separate area for commercial bins has been incorporated which will be easier for the waste contractor for the retail unit to manage. The amended scheme has been reviewed and the arrangements would be acceptable.
- 7.17. It is recommended that a condition be included to require the refuse storage facilities to be implemented prior to first occupation of the flat and to be retained as approved for the life of the development.
- 7.18. Subject to such a condition, it is considered that the proposals include adequate provision of refuse and recyclables storage facilities, in accordance with the requirements of Policy DM14 of the Council's adopted Managing Development Document (2013) and Policy SP05 of the Council's adopted Core Strategy (2010).

8. Equalities

- 8.1 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 8.3 With regard to age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation there are no identified equality considerations.

9. Conclusion

- 9.1. All other relevant policies and considerations have been taken into account. Planning permission **should be granted** for the reasons set out in RECOMMENDATION section of this report



Agenda Item 6.3

Committee: Development Committee	Date: 15 th October 2014	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Shahara Ali-Hempstead		Ref No: PA/14/01887	
		Ward(s): Stepney Green	

1. APPLICATION DETAILS

Location:	7 Westport Street, London E1 0RA
Existing Use:	Estate Agent (Use Class A2)
Proposal:	Change of use of part of ground floor unit from Estate Agent (Use Class A2) to mini cab call centre use (Use Class B1).
Drawing Nos:	Site location plan and PA/1413/001
Supporting Documents:	Design, Access and Impact Statement and Traffic Management Plan
Applicant:	Mr Ghalib Jayad
Owners:	London Borough of Tower Hamlets
Historic Building:	N/A
Conservation Area:	No

2. EXECUTIVE SUMMARY

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Core Strategy (2010), the Council's Managing Development Document (April 2013), adopted supplementary planning guidance and documents, the London Plan 2011 and the National Planning Policy Framework and has found that:-

- 1) The application proposes the change of use of a small office (14.5 square metres floorspace) in an Estate Agents (Use Class A2) to a minicab call centre (Use Class B1). The office is located towards the rear of the premises and is at ground floor level.
- 2) In planning terms the minicab call centre is considered to fall within the 'B1 Office' Use Class. When a minicab call centre trades within the B1 Office Use Class the nature of the operation must be as a call centre. i.e. Cabs are ordered by telephone, and a dispatcher then contacts a minicab by telephone (or other similar electronic system). The cabs and drivers would not be based at the office, nor would a counter service be provided for customers.
- 3) It should be noted that this type of minicab call centre is different, in planning terms, from a traditional 'cab office' that acts as a base station for cab drivers, provides parking for minicabs between fares and allows customers to book cabs at a counter.

This type of operation falls outside of the 'B1 Office' Use Class and would require an application for planning permission in its own right.

- 4) On the basis that the proposal is for a minicab call centre the scheme would not have any adverse impacts on the amenity of neighbouring residents. This is because the operation would only involve 1 or 2 dispatchers taking and relaying calls in the back office. The proposals would therefore accord with the requirements of Management Development policy DM25, which seeks to protect neighbouring amenity.
- 5) On the basis that the scheme is for a minicab call centre the scheme would not have any adverse impacts on highway or pedestrian safety. This is because the nature of minicab call centre permission would not allow cab drivers to attend the premises between fares, nor would there be a counter service for customers to book cab at the premises. The scheme is therefore acceptable in terms of policy DM23 which seeks to ensure a safe highway network.

3. RECOMMENDATION

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

Conditions

1. Development to be begun with 3 years.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in this planning permission.
3. The mini -cab operation shall be conducted as a call centre only and no facilities are to be provided on site for drivers waiting for fares or between shifts nor shall the premises be used as a pick up point for customers.

Informatives

1. The Applicant is reminded that this permission allows the use of the office as a minicab call centre. Signage should not be displayed that might attract customers to the premises.

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

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposes the change of use of a small office in an Estate Agent's (Use Class A2) to a mini cab call centre (Use Class B1). The office is located towards the rear of the premises and is at ground floor level.

In planning terms the minicab call centre is considered to fall within the 'B1 Office' Use

Class. When a minicab call centre trades within the B1 Office Use Class the nature of the operation must be as a call centre. I.e. Cabs are ordered by telephone, and a dispatcher then contacts a minicab by telephone (or other similar electronic system). The cabs and drivers would not be based at the office, nor would a counter service be provided for customers.

It should be noted that this type of minicab call centre is different, in planning terms, from a traditional 'cab office' that acts as a base station for cab drivers, provides parking for minicabs between fares and allows customers to book cabs at a counter. This type of operation falls outside of the 'B1 Office' Use Class and would require an application for planning permission in its own right.

Site and Surroundings

- 4.2 The application site is a ground floor property of a four storey building located to the western side of Westport Street. The site is located 60 metres from Commercial Road.
- 4.3 The vicinity of the site is of a predominantly residential character with commercial uses concentrated along Commercial Street. The site has no specific designations in the Local Plan. The site is 60 metres from the designated Limehouse neighbourhood town centre; the site lies adjacent to York Square Conservation area.

Planning History

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

PA/03/00033

Planning permission granted on 16/04/2003 for the change of use to an Estate Agency Office (Class A2).

5. POLICY FRAMEWORK

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

5.2 London Plan 2011 with Revised Early Minor Alterations published 11/10/2013

Policies	6.3	Assessing effects of development on transport capacity
	6.13	Parking
	7.1	Building London's neighbourhoods and communities

5.3 Adopted Core Strategy (2010)

Policies:	SP06	Maximise investment and job creation
	SP09	Creating Attractive and Safe Streets and Spaces
	SP12	Delivering Placemaking

5.4 Managing Development Document (MDD) (April 2013)

Policies	DM15	Local job creation and investment
	DM25	Amenity
	DM20	Supporting a sustainable transport network
	DM22	Parking
	DM23	Streets and the public realm

6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

London Borough of Tower Hamlets - Transportation & Highways

6.3 The applicant has submitted a Traffic Management Plan which provides additional details of how the proposed booking office will operate. This is welcomed and should be placed on file as an approved document associated with any planning permission which may be granted. It is recommended that should permission be granted that a condition prohibiting any advertising or walk up trade and I would still recommend a 12 month temporary permission as it is very close to a residential estate and the temporary permission would allow for monitoring of the operation.

6.4 **Officer Comment:** A condition has been imposed on the permission to prevent walk up trade etc. The request for a temporary permission is noted. However, Officers do not consider that it is necessary in this case. This is because the impacts of a call centre operation do not need to be considered by way of a 'trial run'. If the use operates outside of the minicab call centre type operation, it would be in breach of planning permission.

7. LOCAL REPRESENTATION

7.1 A total of 12 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: 7 Objecting: 7 Supporting: 0
No of petitions received: 1 objecting containing 55 signatories

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

7.2 • Noise from mini-cab drivers waiting outside the application site

Officers Comments Amenity related matters are discussed in detail in section 8 of this Report.

7.4 • Parking problems associated with the mini-cab use

Officers Comments Highways related matters are discussed in detail in section 8 of this Report.

7.5 • Mini cab office already operates within 100 yards of the application site.

Officers Comments The issue of competition is not a material planning consideration as such it does not form part of the decision making process. In terms of concentration of use, the existence of one further mini cab office is not considered to be an over concentration of mini cab office within the edge of town centre location.

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the committee must consider are:
1. Land Use
 2. Amenity
 3. Highways
 4. Human Rights Considerations
 5. Equality Act

8.2 **Land Use:**

- 8.3 The proposal is for the change of use of a ground floor office measuring 14.5sq meters from an estate agent (Use Class A2) to a mini cab call centre (Use Class B1).
- 8.4 The proposal is outside of any designated town centre. Policy DM2 of the Managing Development Document (2013) states development of local shops outside of town centres will only be supported where:
- a. there is demonstrable local need that cannot be met within an existing town centre;
 - b. they are of an appropriate scale to their locality;
 - c. they do not affect amenity or detract from the character of the area; and
 - d. they do not form part of, or encourage, a concentration of uses that would undermine nearby town centres.

Loss of estate agent (Use Class A2) floor space

- 8.5 The proposed change of use to a mini-cab call centre would result in the partial loss of the existing A2 use. The existing floor space measures 76sq metres; the application proposes the conversion of the back office measuring 14.5sq metres. It is considered that the partial loss of the A2 use would not undermine the remaining floor space which measures 61.5sq metres. This is sufficient to ensure the front portion of the unit remains a viable entity in its own right.

Acceptability of mini cab call centre (Use Class B1)

- 8.6 The site lies within a parade of shops consisting of a wine shop (A1 use) and two units which are in use as one grocery shop (A1 use). The upper floors of the site are in residential use and form part of an existing estate development.
- 8.7 The proposed mini cab call centre use, is considered to be compatible with the commercial character of the ground floor units. The office use will contribute to the provision of employment in the Borough and accord with policy SP06 of the Core Strategy.

Amenity

- 8.8 Part 4 b of policy SP10 of the CS and policy DM25 of the MDD seek to protect the residential amenity of the residents of the borough. These policies seek to ensure that existing residents adjacent to the site are not detrimentally affected by noise.
- 8.9 As detailed in the 'proposal' section of the report, the application is for a 'call-centre' style of operation. The office would be operational 24 hours a day. No customer waiting area is proposed, and the Applicant has submitted a management plan that confirms that drivers would not visit the premises, and that customers would not be permitted in the office.
- 8.10 The acceptability of the scheme is very much dependent on the operation to be carried out in a 'call centre' manner. On the basis that the scheme is a call centre, the only activity at the

premises would be one or two dispatchers taking calls in an office. This is only likely to generate a very low level of activity, and as such is very unlikely to cause noise and disturbance to adjoining residents.

- 8.11 Officers understand the concerns raised by residents about potential for noise and disturbance from a minicab office. A traditional minicab office would be likely to result in noise from people gathering within the minicab office or outside, minicabs arriving, departing and waiting for a fare, engine noise and car doors closing. However, this is not the nature of the use for which planning permission is being sought. If this type of operation did take place, it would not be covered by this permission and could therefore be subject to enforcement action.
- 8.12 To ensure that the use does not alter after the grant of planning permission to include customer waiting areas (or driver facilities etc) a condition would be imposed on the permission. With the imposition of conditions, Officers are satisfied that the proposal would not have any adverse impact on residential amenity.

Transport & Highways

- 8.13 The NPPF and Policy 6.1 of the London Plan 2011 seeks to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 8.14 CS Policy SP08 & SP09 and Policy DM20 of the MDD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.15 The roads surrounding the site have parking restriction consisting of residential bays, multi parking bays (pay and display / permit holders). The parking restrictions apply between the hours of 08:00 – 17:30.
- 8.16 As with the Officer assessment of Amenity issues, the acceptability of the proposals is very much based on it being a call centre style operation. Providing that the only users of the premises are the 1 or 2 people dispatching cars the scheme would have very limited impact on the local highway network.
- 8.17 Council's Highways Officers have been consulted and have requested that the scheme be subject to a 12 month temporary permission to allow a 'trial run' of the nature of the operation. Officers have considered whether a temporary permission can be justified. A temporary permission is typically used where a 'trial run' is needed, for instance where the precise impacts of a use are not known. However, Officers feel that the impacts of a call centre can be readily understood. Concern about the potential for another type of minicab operation to be run from the site (that would not have permission) is not a justification for a temporary permission. Officers consider that the assessment needs to be made on the application that has actually been made. If drivers or customers do attend the site this could be subject to enforcement action.
- 8.18 On the basis that the office is run as a call centre the proposal would not have any impacts on the highway network and it is therefore considered acceptable in terms of policy SP09 of the Core Strategy and policy DM23 of the Managing Development Document.

Human Rights Considerations

- 8.19 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 8.20 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
 - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that *"regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole"*.
- 8.21 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 8.22 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 8.23 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 8.24 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.25 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions.

Equality Act consideration

- 8.26 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application

and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

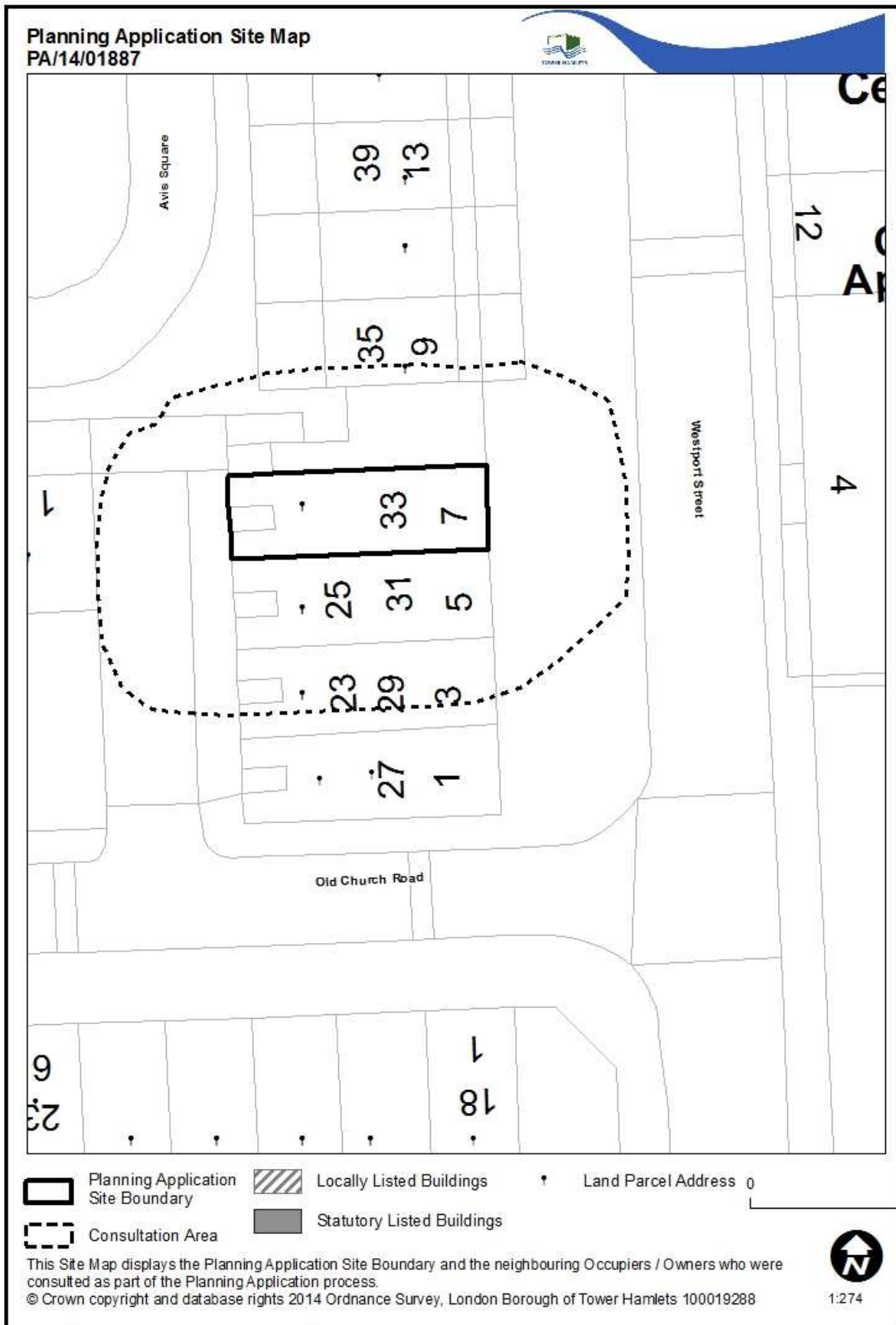
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.27 In this instance there are no specific equalities that have been identified.

9.0 CONCLUSIONS

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

Consultation Map – 7 Westport Street



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Agenda Item 6.4

Committee: Development Committee	Date: 15 th October 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Application
Case Officer: Angelina Eke	Ref No: PA/14/01807
	Ward: Canary Wharf

1. APPLICATION DETAILS

Location:	11 Havannah Street, London E14 8NA
Existing Use:	Residential
Proposal:	Conservatory extension at ground floor level and first floor extension.
Drawing and documents:	01; 02; 03 rev P1;11 rev P2; 12 rev P3; Design and Access Statement, prepared by Ankur Architects dated July 2014
Applicant:	Ms Anne Choudhury
Ownership:	Ms Anne Choudhury
Historic Building:	N/A
Conservation Area:	N/A

2. BACKGROUND

2.1 This planning application was originally scheduled to be reported under Item 6.3 of the Agenda for Development Committee on 15th September 2014 with Officers' recommendation for **REFUSAL** for the following reason:

1. The proposed first floor addition by reason of its bulk, mass and scale including design would be an inappropriate form of development that would detract from the appearance of the original dwelling and the continuous frontage created by the first floor addition would be overbearing and have a detrimental impact on the street scene. The scheme would appear as an incongruous addition that fails to accord with policy 7.4 in the London Plan, Policy SP10 in the Adopted Core Strategy (2010) and Policies DM23 and DM24 in the Managing Development Document (2013) and guidance within the National Planning Policy Framework (2012).

2.2 The application was withdrawn from the 15th September 2014 Development Committee Agenda due to the consultation boundary being different from the previously withdrawn application. Since then, officers have carried out extended consultation for a period of 14 days.

- 2.3 On 16/09/2014, additional 112 neighbour notification letters were sent out to adjoining and nearby residents. The consultation period expired on 30th September 2014 and no additional representations have been received at the time of writing this report.
- 2.4 The previously published report made the following references:
- “Two letters of representation were received objecting to the proposal, including two objection letters from local ward councillors. One petition letter was received to support the proposal containing 52 signatures “.*
- 2.5 The paragraph contained errors and should have noted that only one objection letter was received. The objector raised concerns about the overall design of the proposal as well as the unsuitability of the materials proposed, that the proposal represented overdevelopment of the site and that it would cause noise, dust and inconvenience to neighbours. The objectors concerns are dealt with in the ‘design and amenity’ sections of this report.
- 2.6 In respect of the representations submitted in support of the application, this also contained errors. The petition letter received had 50 signatures from local residents. Additionally, a local ward councillor submitted a letter in support of the proposal and a letter of support was also received from a Member of Parliament.
- 2.7 These details are corrected and are in paragraph 5.16 of this report.

EXECUTIVE SUMMARY

- 2.8 The Local Planning Authority has considered the particular circumstances of this application against the Development Plan, national, regional and local guidance and other material planning considerations as set out in this report and recommends the refusal of planning permission for the reasons set out in the ‘Material Planning Considerations’ and ‘Recommendation’ section of this report.
- 2.9 The application is for a proposed ground floor conservatory extension to the northern elevation of the property and first floor extension (to side and rear of the property) as a combined development.
- 2.10 Officers have considered the proposal and are of the opinion that the ground floor conservatory extension would be acceptable in principle subject to a high quality finish being achieved. However, the proposed first floor addition would by reason of its bulk, mass and scale including design result in an inappropriate form of development that would detract from the appearance of the original dwelling. Furthermore, the continuous frontage created by the main house with the extended element would be visually overbearing and harmful to the street scene. On balance, the scheme would appear as an incongruous addition that fails to accord with policy 7.4 of the London Plan, Policy SP10 of the Adopted Core Strategy (2010) and Policies DM23 and DM24 in the Managing Development Document (2013) and guidance within the National Planning Policy Framework (2012).

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to **refuse** planning permission on the grounds of the reason below:

- 3.2 The proposed first floor addition would by reason of its bulk, mass and scale including design would be an inappropriate form of development that would detract from the appearance of the original dwelling and the continuous frontage created by the first floor addition would be overbearing and have a detrimental impact on the street scene. The scheme would appear as an incongruous addition that fails to accord with policy 7.4 in the London Plan, Policy SP10 in the Adopted Core Strategy (2010) and Policies DM23 and DM24 in the Managing Development Document (2013) and guidance within the National Planning Policy Framework (2012).

4.0 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 Planning permission is sought for a ground floor conservatory extension to the northern elevation of the two storey end of terrace house that would measure 2.5 metres in width and 7.0 metres in depth, featuring a shallow pitched roof to a height of 2.5 metres. The proposed extension incorporates the area between the main dwelling house and the outer perimeter garden wall and it will be used as enclosed amenity space.
- 4.2 The application also seeks planning permission for a first floor extension measuring 3 metres in width and 5.5 metres in depth featuring a flat roof similar to the existing. The proposal would be set back by 50mm from the frontage of the main house and finished in timber cladding with UPVC windows. At first floor level, the proposal incorporates a new first floor window on the front elevation to serve the existing bedroom (bedroom 2). The proposed first floor addition would provide both a bedroom and en-suite toilet.

Site and Surroundings

- 4.3 The application premises forms part of a 1960's residential development built in multi-red and grey colour bricks, and the buildings have horizontal emphasis between ground and first floor are often differentiated by concrete spandrel band at mid height and flat roofs with deep fascias.
- 4.4 The site lies in a predominantly residential area comprising similar style two storey properties arranged in clusters and it is surrounded by various mid and high rise flatted developments.
- 4.5 The site is not listed nor does it lie within a conservation area. The site lies within Flood Risk Zone 2 and 3.

Relevant Planning History

- 4.6 **PA/14/01105:** Single & double storey extension at the rear. The application was withdrawn on 16/06/2014.
- 4.7 **PA/14/00384:** Single & double storey extension at the rear. The application was withdrawn on 16/06/2014.
- 4.8 **PA/10/01313:** Full planning permission for erection of a single storey rear extension with bedroom and shower room. Approval dated 06/05/2011. This has been implemented.

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 Government Planning Policy Guidance/Statements

- National Planning Policy Framework (March 2012) (NPPF)
- National Planning Practice Guidance (March 2014)

5.3 Spatial Development Strategy for Greater London - Revised Early Minor Alterations to the London Plan October 2013 (LP)

5.21: Contaminated Land

7.4: Local Character

7.6: Architecture

5.4 Tower Hamlets Core Strategy (adopted September 2010) (CS)

SP02: Urban Living for everyone

SP04 (5): Reducing the Risk and Impact of flooding

SP09: Creating Safe and Attractive Streets

SP10: Creating Distinct and Durable Places

5.5 Managing Development Document (adopted April 2013) (MDD)

DM12: Water Spaces

DM24: Place Sensitive Design

DM25: Amenity

DM30: Contaminated Land & Development and storage of hazardous substances

5.6 Other Relevant Documents

N/A

CONSULTATION RESPONSE

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

5.8 The following were consulted regarding the application:

Head of Building Control

5.9 No comments received

Environment Agency

5.10 No objections

Environmental Health

- 5.11 The observation received acknowledges that the site is contaminated and a condition is advised to ensure that the applicant contacts the Council's Environmental Health Team if any suspected contamination or odorous ground conditions are encountered.

[Officer's response: Should the Council be minded to approve the scheme, this requirement can be addressed by way of a condition]

Urban Design and Conservation

- 5.12 Concerns expressed that the proposed first floor extension would appear incongruous as it would not be sufficiently subordinate to the host building and would be detrimental to the character and appearance of the area.

NEIGHBOURS REPRESENTATIONS

- 5.13 In respect of the initial planning notification letters sent out, a total of 115 neighbour notifications were sent out to nearby properties. One letter of objection was received.

A summary of the objections received

- 5.14 That the proposal would be out of character resulting in overdevelopment of the site and the proposed extent of cladding is extensive and would detract from the building elevation.

[Officer's response: The proposal was considered by the Council's Urban Design and Conservation Team, who advised that the first floor extension would not be subservient to the main building. Overall, the first floor extension was considered to result in an unsympathetic addition to the host building. This matter is to be assessed in more detail in the material planning considerations section of the report. Officers have considered the objection made on grounds that the proposal would result in the overdevelopment of the site. It is not considered that this will be the case. In respect of the concerns raised about noise, dirt and inconvenience, should members be minded to grant planning permission for the proposal, these concerns can be addressed by way of a condition.]

- 5.15 A petition letter (with 50 signatures from local residents) was received in support of the proposal. Two letters of support were received, one from a local Ward Councillor and the other from a Member of Parliament.

A summary of the supporting comments received

- 5.16 That the applicant has a genuine need to extend her premises and that what is proposed would be in keeping with the other properties that have four bedrooms within the Alpha Grove area and it will not harm the street scene.

[Officer's response: Whilst officers have recognised the needs of extended families, this does not outweigh concerns raised by officers with regards to the design merits of the overall scheme. Officers are unaware of any properties in the locality that benefit from similarly designed extensions.]

- 5.17 At the time of writing this report, no further representations have been received in respect of the additional consultations carried out. However, should any further representation be made, this will be reported to Development Committee in a further updated report.

6.0 MATERIAL PLANNING CONSIDERATIONS

6.1 The main planning issues raised by the application that the committee must consider relate to:

- Land Use
- Design – impact of the extensions on the character and appearance of the host building and street scene.
- Amenity—the impact on neighbouring properties
- Highways

Land Use

6.2 This application would have no land use implications as the property is to remain as a single family dwelling house (Class C3).

Design

6.3 The National Planning Policy Framework (NPPF) sets out the Government planning policies for England and how these are expected to be applied. The NPPF constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications.

6.4 The NPPF sets out twelve core planning principles which "should underpin both plan-making and decision-taking." These stipulate that, amongst other matters, planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.' Specific advice on design is also provided in Section 7 '*Requiring Good Design*' in which it states that '*good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*' Furthermore, development should 'respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.'

6.5 Policy 7.4, 'Local Character' in the London Plan requires new developments to have regard to the local architectural character in terms of form, massing, function and orientation and which makes a positive contribution to the character of a place.

6.6 Further emphasis on preserving the local character and distinctiveness of an area is set out in Policy 7.6 in the London Plan in its requiring local authorities, to seek to maintain and enhance the contribution of built, landscaped and buried heritage to London's environmental quality, cultural identity and economy, as part of managing London's ability to accommodate change and take account of the topography of an area.

6.7 Policies SP09, SP10 and SP12 in the Core Strategy 2010 and policies DM23 and DM24 in the Managing Development Document (2013) seek to ensure developments are designed to the highest quality standards, using appropriate materials and incorporating principles of good design, to ensure development is sensitive to and enhances the site and local character of the surrounding area.

6.8 The application building is a two storey end of terrace house with an existing ground floor extension. The existing ground floor extension (approved under PA/10/01313) measures approximately 7.1 metres in depth, 3.5 metres in width and 2.7 metres in

height. There is a rear shed within the garden area and a side door along the northern elevation of the building which provides access to the rear garden.

Impact of the proposal on the host building and street scene

- 6.9 As noted above, both national and local policies including guidance place great importance on the design of the built environment, and the integration of the development within the surrounding built context. The existing house is arranged in a small cluster and it occupies a corner plot with an adjoining side walk. The front of the house is visible from the adjoining side walk and the open space at the front of the residential flats immediately opposite the site [2-20(even) Havannah Street]. The rear of the property overlooks a large hard landscaped area off Havannah Street, which leads to the Quarterdeck residential development. There is a large multi-storey residential block to the North West of the application site (flats 1-82(Inc.) Top Mast Point).
- 6.10 With regards to the ground floor conservatory extension, this is proposed within a small gap along the northern elevation of the house and the outer garden wall, which is approximately 2 metres in height. The applicant intends to extend the boundary wall and enclose the external amenity space with glazing so as to create an enclosed amenity space. The proposed extension will be a subservient addition to the house and there are no objections to the bulk, mass, scale or the proposed design. The materials proposed will be sympathetic to the host building and therefore is acceptable in townscape terms.
- 6.11 The proposed first floor extension will result in almost double the frontage of the existing house (which has a 6.2 metre frontage). The applicant has confirmed that the depth of the first floor extension will be 5.5 metres, and it will be set in from the rear edge of the ground floor extension by approximately 1.6 metres. It will continue the existing flat roof design; however the roofline to the extension will be set below the existing ridge height of the dwelling house. As designed, the extension would incorporate a setback of 50mm from the front wall of the house; however, the side to side relationship between the frontage of the building and the extended element would create an impression of a continuous and dominant frontage at street level. Two new window openings are proposed on the first floor elevation and would be constructed from materials to match the existing window. A new window is also proposed on the front elevation to provide natural lighting to bedroom 2 as the existing rear window is to be blocked off to facilitate the first floor extension.
- 6.12 The proposed first floor extension is to be faced in timber cladding and officers have raised concerns with regard to the facing material proposed. The facing materials proposed do not reflect that of the host building, which would further compound the unbalancing effect on the front elevation of the property. Officers conclude that the timber cladding proposed fails to harmonise successfully with the host building and street scene.
- 6.13 In line with the principles of good design, officers consider that the resulting form of the extension should be designed to appear subordinate to the original house and be in keeping with the street scene. Whilst it is recognised that the applicant has sought to achieve integration at first floor extension by varying the facing material, officers remain of the view that the creation of a continuous frontage on Havannah Street would have a detrimental impact on the visual appearance of the host building and detract from the overall character of the residential complex. The proposal by the same token would have a detrimental overbearing relationship with the street scene and set an unwelcome precedent that would make it difficult to resist future

extensions like this in the locality. Overall, the bulk, mass and scale of the resulting built form would not result in a subservient addition and would fail to relate well to the original building.

- 6.14 Whilst there are no objections in principle to the ground floor conservatory extension, officers consider that the combined proposal would form an incongruous addition to the host building. Furthermore, the continuous and dominant frontage created by the new first floor addition would unbalance the visual integrity of the host building within the residential complex. The resulting built form would have a harmful impact on the character and appearance of the street scene contrary to policy 7.4 of the London Plan, Policy SP10 of the Adopted Core Strategy (2010) and Policies DM23 and DM24 of the Managing Development Document (2013), and guidance within the National Planning Policy Framework (2012), which seek to ensure a high quality design in new developments which respond well to the surrounding context.

Amenity

- 6.15 Policy SP10 of the adopted Core Strategy (2010) and policy DM25 of the Managing Development Document seek to safeguard the amenity of existing and future residents from unreasonable reduction in the prevailing levels of sunlight/daylight, reduction in outlook, or any unreasonable sense of enclosure or noise. The main amenity impacts are likely to be perceived by the residential unit at 22 Havannah Street.

Privacy/Outlook

- 6.16 Due to the separation distances between the application site and the adjoining properties, it is considered that the proposal would not unduly impact on privacy levels nor would it lead to any undue impacts in terms of outlook or unacceptable impacts on the sense of enclosure to surrounding properties.

Daylight/Sunlight

- 6.17 Due to the separation distances between the application site and adjoining properties, it is considered that the proposal would not have any harmful impacts in terms of loss of daylight and sunlight to surrounding properties.

External Amenity Space

- 6.18 The application building has a moderate sized garden and the proposal would not affect this.

Highways

- 6.19 The application proposal would have no highway impacts.

7 Human Rights Considerations

- 7.1 In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determinations of this application, members should consider the following:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by the law in the determination of a person's civil and political rights (Convention Article 6). This includes

property rights and can include opportunities to be heard in the consultation process;

- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public's interest (Convention Article 8); and
- Peaceful enjoyment of possession (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between competing interests of the individual and of the community as a whole "

7.2 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

7.3 Were Members not to follow Officers' recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.

7.4 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's power and duties. Any interference with a Convention right must be necessary and proportionate.

7.5 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

7.6 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

7.7 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified.

8 Equalities

8.1 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.2 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out

may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

8.3 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

8.4 Conclusion

8.5 All other relevant policies and considerations have been taken into account. Planning permission should be **refused** for the reasons set out in RECOMMENDATION section of this report.

Planning Application Site Map
PA/14/01807



- Planning Application Site Boundary
- Locally Listed Buildings
- Land Parcel Address
- Consultation Area
- Statutory Listed Buildings
- OS Line



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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