

# DEVELOPMENT COMMITTEE

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**Tuesday, 16 June 2015 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, Councillor Julia Dockerill and Councillor Md.  
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[The quorum for this body is 3 Members]

**Public Information.**

The deadline for registering to speak is **4pm Friday, 12 June 2015**  
Please contact the Officer below to register. The speaking procedures are attached  
The deadline for submitting material for the update report is **Noon Monday, 15 June  
2015**

**Contact for further enquiries:**

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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 - 16)**

To confirm as a correct record the minutes of the meeting of the Development Committee held on 14<sup>th</sup> May 2015.

### **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 17 - 18)**

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

	<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
<b>5. DEFERRED ITEMS</b>	<b>19 - 20</b>	
<b>5.1 The Forge, 397 &amp; 411 Westferry Road, London, E14 3AE (PA/14/02753 and PA/14/02754)</b>	<b>21 - 64</b>	<b>Island Gardens</b>

Proposal:

Full Planning Permission and Listed Building Consent for:

- Change of use of part of The Forge from business use (Use Class B1) to convenience retail food store (Use Class A1) with gross internal floor area of 394m<sup>2</sup> and net sales area (gross internal) of 277m<sup>2</sup>;
- Change of use of a separate unit of The Forge (Use Class B1) to interchangeable uses for either or financial and professional services, restaurants and cafes, drinking establishments, office, non-residential institutions (nursery, clinic, art gallery, or museum), or assembly and leisure (gym), namely change of use to uses classes A2, A3, A4, B1a, D1 and D2 with gross internal floor area 275.71m<sup>2</sup>;
- The remainder of the ground floor would be for office use split into 3 units (Use Class B1a)
- 297.17m<sup>2</sup> GFA of new floor space created at 1st floor level (internally) for office use, split into 3 units (Use Class B1a)
- Internal and external changes and maintenance to the Forge to facilitate the change of use to retail convenience store.

Recommendation:

That the Committee resolve to GRANT planning permission and listed building subject to the conditions and informatives in the Committee report

**5 .2 418 Roman Road, London, E3 5LU (PA/15/00095) 65 - 82 Bow West**

Proposal:

Creation of a ground floor studio flat at the rear of the property within an extended single storey rear extension; New shopfront; Extension of the basement; Erection of a mansard roof extension

Recommendation:

That the Committee resolve to GRANT planning permission subject to the conditions in the Committee report

**6. PLANNING APPLICATIONS FOR DECISION 83 - 84**

**6 .1 Footway Adjacent to Ansell House on Mile End Road, E1 (PA/15/00117) 85 - 98 Stepney Green**

Proposal:

Relocation of an existing Barclays Cycle Hire Docking Station comprising of a maximum of 41 docking points by 75m to the east as a consequence of the proposed Cycle Superhighway 2 Upgrade Works.

Recommendation:

That the Committee resolve to GRANT planning permission subject to the conditions set out in the Committee report

**6 .2 Passageway to the south of 18 Cleveland Way, London E1 (PA/15/00096) 99 - 114 Bethnal Green**

Proposal:

Erect a 2.4m high gate across the passage way

Recommendation:

That the Committee resolve to REFUSE planning permission for the reasons set out in the Committee report.

**7. OTHER PLANNING MATTERS**

None.

**Next Meeting of the Development Committee**

Wednesday, 8 July 2015 at 5.30 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 THURSDAY, 14 MAY 2015**

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

**Members Present:**

Councillor Sirajul Islam (Chair)  
Councillor Marc Francis  
Councillor Chris Chapman  
Councillor Andrew Cregan (Substitute for Councillor Shiria Khatun)

**Other Councillors Present:**

None.

**Apologies:**

Councillor Shiria Khatun  
Councillor Suluk Ahmed  
Councillor Gulam Kibria Choudhury  
Councillor Shah Alam

**Officers Present:**

Paul Buckenham	– (Development Control Manager, Development and Renewal)
Christopher Hunt	– (Senior Planning Lawyer, Directorate Law, Probity and Governance)
Brett McAllister	– (Planning Officer, Development and Renewal)
Nasser Farooq	– (Deputy Team Leader, Planning Services, Development and Renewal)
Andrew Hargreaves	– (Borough Conservation Officer, Development and Renewal)
Piotr Lanoszka	– (Planning Officer, Development and Renewal)
Gerard McCormack	– (Planning Enforcement Team Leader, Development and Renewal)
Shahara Ali-Hempstead	– (Planning Officer, Development and Renewal)
Zoe Folley	– (Committee Officer, Directorate Law, Probity and Governance)

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

No declarations of interest were made.

Whilst not declaring a pecuniary interest in the item, Councillor Marc Francis declared that he would not sit on the Committee for the consideration of item 6.2, 418 Roman Road, London, E3 5LU (PA/15/00095).

## **2. MINUTES OF THE PREVIOUS MEETING(S)**

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 9<sup>th</sup> April 2015 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 meeting guidance.

## **5. DEFERRED ITEMS**

### **5.1 The Forge, 397 & 411 Westferry Road, London, E14 3AE (PA/14/02753 and PA/14/02754)**

Update Report Tabled.

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the proposal that had been deferred at the 11<sup>th</sup> March 2015 meeting of the Committee by Members for a site visit.

Brett McAllister, (Planning Officer, Development and Renewal) presented the report reminding Members of the proposal and representations received since the March meeting including correspondence from a ward Councillor. He also addressed the issues raised at the site visit and drew attention to the additional conditions proposed by the LBTH Conservation Officer to address

the issues. The Conservation Officer was present to reassure Members about the impact on the building grade 11 listed building.

The scheme would bring the building back into an active use without harming the special features of the building or the viability of the Town Centre. Officers were therefore recommending that the scheme was granted permission.

In response to questions about the delivery plans, Officers highlighted the measures in the Management Plan to restrict the size of vehicles. Furthermore, in contrast with the nearby store, there would be parking bays adjacent to the loading bay subject to fines. This should also deter large vehicle from overlapping onto adjacent bays

In response to a question about the impact on the character of the building, it was accepted that any changes to the building would have some impact on the building. However, it was felt that subject to careful conditioning, that the impact would be acceptable and would have no adverse impact on the special qualities of the building. Given the purpose of the scheme and the site constraints, it was difficult to see how the scheme could be designed in any other way.

A Member did not accept the need for the new opening given the harm this would case to the building.

Regarding the impact on the Town Centre, it noted that at the request of Officers, a sequential assessment had been carried out and independently assessed (noting that the first application was refused due concerns over the impact on the Town Centre). The assessment showed that there was a demonstrable need for a retail unit in this area and that it could not be provided in the Town Centre. Accordingly, the scheme complied with Council planning policy on town centres.

#### Planning Permission

On a vote of 1 in favour of the Officer recommendation to grant planning permission and 2 against, the Committee did not agree the recommendation.

Accordingly, the Committee proposed a motion that the planning permission be not accepted (for the reasons set out below) and on a vote of 2 in favour of this recommendation, 0 against and 1 abstention, it was **RESOLVED**:

That the Officer recommendation to grant planning permission at The Forge, 397 & 411 Westferry Road, London, E14 3AE be **NOT ACCEPTED** for change of use of part of The Forge from business use (Use Class B1) to convenience retail food store (Use Class A1); change of use of a separate unit of The Forge (Use Class B1) to interchangeable uses; use of the remainder of the ground floor as office use split into 3 units (Use Class B1a); the provision of 297.17m<sup>2</sup> GFA of new floor space created at 1st floor level (internally) for office use, split into 3 units (Use Class B1a) and internal and external changes and maintenance to the Forge to facilitate the change of use

to retail convenience store (The full description of the proposal is set out in the Committee report).

The Committee were minded to refuse the scheme due to concerns over:

- The impact of the scheme on the historic fabric of the Forge building.
- The impact on the viability of the neighbouring Town Centre.

#### Listed Building Consent.

On a vote of 1 in favour of the Officer recommendation to grant listed building consent and 2 against, the Committee did not agree the recommendation.

Accordingly, the Committee proposed a motion that the listed building consent be not accepted and on a vote of 2 in favour of this recommendation, 0 against and 1 abstention, it was **RESOLVED:**

That the Officer recommendation to grant listed building consent at The Forge, 397 & 411 Westferry Road, London, E14 3AE be **NOT ACCEPTED**.

The Committee were minded to refuse the listed building consent due to concerns over:

The impact of the scheme on the historic fabric of the listed building, particularly resulting from the creation of the new external opening.

In accordance with Development Procedural Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future meeting of the Committee setting out proposed detailed reasons for refusal and the implications of the decision.

Councillor Andrew Cregan did not participate in this item having spoken in objection to the item as a registered speaker at the 11<sup>th</sup> March 2015 Committee meeting when the application was last considered.

## **6. PLANNING APPLICATIONS FOR DECISION**

### **6.1 Bethnal Green Gardens, Cambridge Heath Road (PA/14/02366)**

Update Report Tabled.

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

Tom Ridge spoke in objection to the proposal stating that he was representing the many residents who had objected to the scheme and had signed the petition. He considered that the existing building at the site was an important heritage asset and needed to be protected. However, the proposals would

harm the special features of the building given the proposed removal of the teak benches, ceramic tiles, the kiosk and the introduction of unsightly shutters harming the appearance of the building. The 20<sup>th</sup> Century Society and other parties had raised concerns about the impact of the plans.

He also objected to the loss of the public shelter given it was the only one of its type in the area. The scheme should be rejected or the building should be reopened in its original form as a kiosk. In response to questions, he considered that there was a lack of information about certain aspects of the scheme such as the security shutters. He considered that the reopening of the building as a kiosk should naturally reduce any anti-social behaviour in the area. He also commented on the strength of local feeling regarding the loss of the public shelter. The Chair also commented on the problems with nuisance behaviour in the park and that one way of addressing this may be to reactivate this building.

Stephen Murray (Head of Arts and Events, LBTH) spoke in support of the scheme. The plans would bring back the disused building into use, should help address ASB in the area by activating the area and improve the viability of the commercial enterprise. There was no evidence that due to the issues, that the shelter was well used by the public. The design of the scheme was sympathetic to the area having been amended in response to comments from the LBTH Conservation Officer. Whilst the plans would introduce steel shutters, they had been carefully designed to minimise their visual impact. The measures to ensure this were explained that they were necessary to prevent vandalism.

Piotr Lanoszka, (Planning Officer, Development and Renewal) presented the detailed report explaining the site location, the history of the building that was considered to be an undesignated heritage asset. However, the building had fallen into disrepair and attracted nuisance behaviour in recent years

Consultation had been carried out and the outcome of this was explained as set out in the committee report.

The scheme bore a close resemblance to the previously consented permission that had lapsed in 2014 and the Council's Cabinet had approved the terms of the lease in 2014.

It was considered that the proposed land use was acceptable and the scheme was financially viable following testing.

The changes to the building would be minimal and be sympathetic to the building. The extent of the works were explained, including the materials, layout and outdoor seating area. The loss of public seating would be kept to a minimum and café seating for customers would be provided. There was also a significant number of public benches through the park. It was noted that concerns had been raised about the installation of security shutters. However it was felt that given the design measures, that the impact would be minimal.

The impact on amenity would also be acceptable given the hours of operation

and separation distances. This had not been raised as an issue in consultation. Environmental Health had no objections to the scheme.

Overall, the proposal would provide a viable café whilst safeguarding the important aspects and openness of the building. Officers were recommending that the planning permission was granted.

In response to questions, Officers explained the need for the work at the rear of the building to create a wheelchair assessable toilet. Given that that this was a secondary wall (that would not harm the primary park facing element) and the benefits of these plans, it was felt that the work was necessary and acceptable.

It was also reported that the issues around the removal of the ceramic tiles and teak benches should be given limited weight as they were internal features. The removal of these features did not need planning permission as the building was not listed and their removal would be necessary to facilitate the scheme and would cause minimal harm. Whilst the loss of the bench in the middle area was regretful, retaining it would prevent any meaningful indoor café space from being created. .

Members asked whether the ceramic tiles and the teak benches could be reused within the scheme or elsewhere within the gardens. Accordingly Councillor Marc Francis proposed an additional condition requiring the reuse of the teak benches and internal ceramic tiles within the scheme and this was agreed.

The plans also involved internal changes to create a storage area. However, given that this would facilitate the preservation of the external appearance it was felt that this could be justified.

Whilst the Crime and Prevention Officer had not been consulted, it was understood that that the site lent itself to ASB and attracted rough sleepers due to the secluded nature of the area. As the plans would remove such spaces, it should discourage such problems.

In response to further questions, officers explained the shortcoming with the alternative 'pop' up café option in terms of viability as set out in the report given the limited nature of the service. It would also warrant major changes to the building.

On a vote of 3 in favour and 1 against, the Committee **RESOLVED**:

1. That planning permission at Bethnal Green Gardens, Cambridge Heath Road be **GRANTED** for change of use to a café with associated alterations including the installation of new glazing, security shutters, kitchen with extract system and toilet facilities(PA/14/02366).
2. That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions to secure the matters set out in the Committee report and the additional



condition regarding the reuse of the teak benches and the internal ceramic tiles within the scheme.

3. Any other condition(s) and/or informatives as considered necessary by the Corporate Director for Development & Renewal.

## **6.2 418 Roman Road, London, E3 5LU (PA/15/00095)**

Update Report Tabled.

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

The Chair then invited registered speakers to address the Committee.

Councillor Joshua Peck spoke in objection stating that he was representing the Roman Road Business and Residents Association. He objected to the proposed reduction in retail space, as this would seriously harm the viability of the retail unit and ultimately that of the Roman Road Town Centre. He considered that the viability of the Town Centre was already at risk due the number of other similar proposals. This scheme would worsen this problem. Therefore the scheme should be refused and existing retail unit should be retained.

In particular, he objected to the proposed width of the retail unit; that meant that it would be unusable for many uses and that a large part of the new retail space would be a basement. He also considered that that proposal conflicted with Council policy that sought to maintain and increase retail space in the Roman Road area.

In response to questions, he expressed concern about the quality of the residential unit given the site constraints and the poor quality amenity space. He made further reference to the adjacent shop, that due to a similar conversation, could now only be used as an office space and that the residential unit hadn't been sold. Should the current owner move on, then the unit would be difficult to lease. There was a shortage of good quality retail units in Roman Road.

Robert Webster (Applicant's Agent) spoke in support of the application stating that it was a family owned business and the current owners fully intended to stay there. He read out a letter from the applicant explaining this. He considered that the current business could be easily accommodated in the reduced retail unit due to the use of modern technology. So it would remain a viable business unit. The size of the current unit was in fact surplus to requirements.

He also explained the need for the residential unit and that practice of reducing the width of retail units to accommodate residential space was common practice in the area.

In response to questions, he explained that the proposal retail unit would still be larger than many other units on Roman Road and that it was in a secondary location outside the market.

He also responded to questions about the need for the new entrance, the quality of the residential accommodation, that the plans would mirror the adjacent property, make better use of the rear of the site and improve the viability of the unit. The plans complied with policy. The applicant would financially benefit from the scheme.

Gerard McCormack, (Planning Officer, Development and Renewal) presented the detailed report explaining the site location and that a number of the nearby retail units had been altered in a similar way resulting in a reduction in retail space, in some instances to around 30sq. Given this, the proposal (seeking to retaining 77 sq. of retail space) compared favourably to this and Officers were confident that the retail unit would remain viable, despite the lack of specific policy tests for this. Furthermore, the present occupants have expressed a commitment to carry on running the retail unit.

Consultation had been carried out and the outcome of this was explained as set out in the committee report.

The proposed external changes would be in keeping with the neighbouring properties including the new Mansard Roof and the revised shop front. Permission for a similar scheme already benefit from planning permission.

The plans also involved the amendments to the shop front to facilitate access to the residential unit. The quality of which was considered acceptable and would increase the housing supply.

Given the merits of the scheme, Officers were recommending that planning permission be granted.

In response to questions from Councillors about the policy support for the proposal, it was explained that given the proposed size of the retail unit, the similarities with the adjacent permission and also the long term nature of the occupancy, that it would be challenging to sustain a reason for refusal on the impact on the viability of the retail unit. Furthermore, according to the Planning Inspector in assessing a recent appeal, there was no commercial evidence that a smaller unit (in that case 50sqm) would be less attractive to potential users , noting that the shop in question was already let.

Whilst there was no specific benchmarks in policy for assessing the viability of a retail unit based on floor space, Officers felt that should the unit become available, it would remain marketable and would attract commercial interest (if permission was granted) especially with the added benefit of the good quality storage space. It was required that the public areas of the unit complied with the Disability Discrimination Act (under building regulation). The type of adaptations that could be supported were noted.

Despite these assurances, some Members expressed doubt that the retail store would remain viable noting the number of similar conversion in the area and also expressed concerns about the quality of the residential unit.

With the permission of the Chair, Councillor Peck asked questions of the Officer about use of neighbouring retail units. In response, Officers expressed confidence that these units could accommodate businesses, for example A1 or A2 uses. These would constitute lawful business and would provide a commercial frontage.

On a vote of 0 in favour of the Officer recommendation to grant planning permission and 2 against and 1 abstention, the Committee did not agree the recommendation.

Accordingly, the Committee proposed a motion that the planning permission be not accepted (for the reasons set out below) and on a vote of 2 in favour of this recommendation, 0 against and 1 abstention, it was **RESOLVED**:

That the Officer recommendation to grant planning permission at 418 Roman Road, London, E3 5LU be **NOT ACCEPTED** for the creation of a ground floor studio flat at the rear of the property within an extended single storey rear extension; new shopfront; extension of the basement; erection of a mansard roof extension (PA/15/00095)

The Committee were minded to refuse the scheme due to concerns that the reduced retail space would undermine the viability of the retail unit and the nearby Roman Road Town Centre.

In accordance with Development Procedural Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future meeting of the Committee setting out proposed detailed reasons for refusal and the implications of the decision.

### **6.3 221 Jubilee Street, London E1 3BS (PA/15/00116)**

Application withdrawn from the agenda to check the authenticity of some of the representations.

### **6.4 144-146 Commercial Street, London, E1 6NU (PA/15/00044)**

Update Report Tabled.

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

The Chair then invited registered speakers to address the Committee.

David Donahue spoke in objection to the proposal representing the owners of the adjacent public house. They considered that the tavern was a significant

heritage asset and the most important in the area. In view of this, they objected that the proposal, given its bland design would harm the fabric of the historic building with little benefit. They also objected to the impact of the proposed staircase on the restaurant, loss of amenity to that property and nuisance from the ventilation system. The report overlooked these issues. The application should be rejected or deferred for a site visit to assess the impact of the proposal on the surrounding area. Note: Another objector had registered to speak. However the second slot declined to take up this spot at the meeting.

David Donahue (Applicant's Agent) spoke in support of the application. He described that the scheme, including the staircase had been redesigned to minimise the impact on the public house. The plans would protect views of the of the public house and aimed to make better use of the layout by providing a separate entrance to the residential unit. The applicant had carefully considered the objections and had worked with Officers in addressing the issues. Overall, the applicant considered that the scheme was acceptable and should be granted planning permission.

Shahara Ali-Hempstead (Planning Officer, Development and Renewal) presented the detailed report explaining the site location in the Conservation Area, the existing use and the proximity to the adjacent public tavern.

Consultation on the proposal had been carried out. The issues arising from this were explained along with the key features of the scheme itself.

The proposed extension would sit comfortably behind the existing parapet rising only 45sqm above the parapet edge. The stairwell at the rear had been reduced in height to minimise the impact on amenity. Conditions had been secured including details of a green roof. Overall it was considered that the proposal would preserve the setting of the surrounding area. The proposals overcame the previous reasons for refusal. Therefore, Officers were recommending that the planning permission should be granted.

In response to Councillors questions about the appearance of the proposal, Officers described the proposed materials, including metal cladding and glazing at the front elevation. It was felt that the contemporary design would work well with the area. There was a condition requiring that samples of the materials be submitted for approval.

In response to questions about the impact on the area, it was confirmed that the proposal as amended would preserve the setting of the Commercial Tavern public house including long views from the south along Commercial Street. In view of this, Officers did not consider that images of the long distance views needed to be included in the presentation, but those submitted with the application were circulated to the Committee on request.

In response, Members requested that additional images showing the impact of the scheme on the surrounding area be provided including long range views.

In response to further questions, Officers clarified the previous reasons for refusal arising from the impact of the two storey projection on visual amenity (amongst other issues). The proposal, due to the reduction in height made possible by the more contemporary design, would have significantly less impact.

Officers also explained the plans to remove the ventilation system, the waste collections plans, (given the lack of space for a storage area due to the amendments), and that the proposal would have no direct impact on the highway. Therefore, Transport for London hadn't been consulted. It was also noted that details of the cycle storage arrangements would be secured by condition.

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

That planning permission at 144-146 Commercial Street, London, E1 6NU be **DEFERRED** for a new single storey roof extension within the existing roof void to create a 1 x 1 bed residential unit; construction of four storey rear extension to facilitate new stair case; reconfiguration of window arrangement at the rear; refurbishment of the front façade and installation of a green roof to enable a SITE VISIT to be held to explore the impact of the scheme on the building and surrounding area (PA/15/00044).

## 7. OTHER PLANNING MATTERS

### 7.1 Flat 1, Shiplake House, Arnold Circus, London, E2 7JR (PA/15/00515)

Paul Buckenham (Development Manager, Development and Renewal) introduced the application explaining the need for the application to be referred to the Government Office, as the Council cannot determine its own applications for listed building consent. The Committee took the report as read and on a unanimous vote, the Committee **RESOLVED**:

That application at Flat 1, Shiplake House, Arnold Circus, London, E2 7JR for listed building consent for change of use from office (Use Class B1) to single 3 bed residential dwelling (Use Class C3) and associated internal works to facilitate the residential use be **REFERRED** to the Government Office for Communities and Local Government with the recommendation that the Council would be minded to grant Listed Building Consent subject to conditions as set out in the Committee report. (PA/15/00515)

The meeting ended at 9.30 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.  Members of the public in support	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> <li>• Three minutes for one objector speaking.</li> <li>• Six minutes for two objectors speaking.</li> <li>• Additional three minutes for any Committee and non Committee Councillor speaking in objection.</li> </ul> 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](http://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><b>Deadlines.</b> 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 <a href="http://www.towerhamlets.gov.uk/committee">www.towerhamlets.gov.uk/committee</a> - 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><b>The Rules of Procedures for the Committee are as follows:</b></p> <ul style="list-style-type: none"><li>• Development Committee Procedural Rules - Part 4.8 of the Council's Constitution (Rules of Procedure).</li><li>• Terms of Reference for the Strategic Development Committee - Part 3.3.5 of the Council's Constitution (Responsibility for Functions).</li><li>• Terms of Reference for the Development Committee - Part 3.3.4 of the Council's Constitution (Responsibility for Functions).</li></ul>	 <p>Council's Constitution</p>



# Agenda Item 5

<b>Committee:</b> Development	<b>Date:</b> 16 <sup>th</sup> June 2015	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 5
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Deferred Items	
<b>Originating Officer:</b>		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred. The following information and advice applies to them.

## 2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Location	Development	Reason for deferral
14 <sup>th</sup> May 2015 (PA/14/02753 and PA/14/02754)	The Forge, 397 & 411 Westferry Road, London, E14 3AE	Change of use of part of The Forge from business use (Use Class B1) to convenience retail food store (Use Class A1); change of use of a separate unit of The Forge (Use Class B1) to interchangeable uses; use of the remainder of the ground floor as office use split into 3 units (Use Class B1a); the provision of 297.17m <sup>2</sup> GFA of new floor space created at 1st floor level (internally) for office use, split into 3 units (Use Class B1a) and internal and external changes and maintenance to the Forge to facilitate the change of use to retail convenience store	The Committee were minded to refuse the scheme due to concerns over:  The impact of the scheme on the historic fabric of the Forge building.  The impact on the viability of the neighbouring Town Centre.
14 <sup>th</sup> May 2015 (PA/15/00095)	418 Roman Road, London, E3 5LU	Creation of a ground floor studio flat at the rear of the property within an extended single storey rear extension; new shopfront; extension of the basement; erection of a mansard roof extension	The Committee were minded to refuse the scheme due to concerns that the reduction in retail space would undermine the viability of the retail unit and the nearby Roman Road Town Centre.

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

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

## **CONSIDERATION OF DEFERRED ITEMS**

2.2 The following deferred applications are for consideration by the Committee. The original reports along with any update reports are attached.

5.1 The Forge, 397 & 411 Westferry Road, London, E14 3AE

5.2 418 Roman Road, London, E3 5LU

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

## **3. PUBLIC SPEAKING**

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

## **4. RECOMMENDATION**

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

# Agenda Item 5.1

<b>Committee:</b> Development	<b>Date:</b> 16 <sup>th</sup> June 2015	<b>Classification:</b> Unrestricted	<b>Agenda Item:</b>
<b>Report of:</b> Corporate Director of Development and Renewal  <b>Case Officer:</b> Brett McAllister		<b>Title:</b> Full Planning Permission Application & Listed Building Consent Application  <b>Ref Nos:</b> PA/14/02753 (Full Planning Permission & PA/14/02754 (Listed Building Consent)  <b>Ward:</b> Island Gardens	

## 1. APPLICATION DETAILS

- 1.1 **Location:** The Forge, 397 & 411 Westferry Road, London, E14 3AE
- 1.2 **Existing Use:** Vacant Warehouse permitted for business use (Use Class B1).
- 1.3 **Proposal:** Full Planning Permission and Listed Building Consent for:
- Change of use of part of The Forge from business use (Use Class B1) to convenience retail food store (Use Class A1) with gross internal floor area of 394m<sup>2</sup> and net sales area (gross internal) of 277m<sup>2</sup>;
  - Change of use of a separate unit of The Forge (Use Class B1) to interchangeable uses for either or financial and professional services, restaurants and cafes, drinking establishments, office, non-residential institutions (nursery, clinic, art gallery, or museum), or assembly and leisure (gym), namely change of use to uses classes A2, A3, A4, B1a, D1 and D2 with gross internal floor area 275.71m<sup>2</sup>;
  - The remainder of the ground floor would be for office use split into 3 units (Use Class B1a)
  - 297.17m<sup>2</sup> GFA of new floor space created at 1st floor level (internally) for office use, split into 3 units (Use Class B1a)
  - Internal and external changes and maintenance to the Forge to facilitate the change of use to retail convenience store including new customer access to the north west elevation, internal partitions, works to the roof to facilitate new plant equipment and satellite dish; making good to walls (internal and external), maintenance to internal cranes and general building maintenance;

## 2. BACKGROUND

- 2.1 The linked applications for planning permission and listed building consent were considered by the Development Committee on 11<sup>th</sup> March 2015 with officer's recommendation to **GRANT** planning permission and listed building consent subject to conditions. A copy of the original report is appended.
- 2.2 The Committee deferred the applications in order to visit the site, to better understand the proposals and their effect on the setting and appearance of the listed building.
- 2.3 A site visit was undertaken on 2<sup>nd</sup> April 2015 at 6.30pm. Following this, Members had the opportunity to report back on their findings and consider the application again at the Development Committee on 14<sup>th</sup> May 2015.
- 2.4 On 14<sup>th</sup> May 2015 Meeting, the Members were minded to **REFUSE** planning permission and listed building consent for the proposal on the following grounds:
- The impact of the scheme on the historic fabric of the Forge Building
  - The impact on the viability of the neighbouring Town Centre
- 2.5 In accordance with Development Procedural Rules, the application was **DEFERRED** to the next committee to enable officers to prepare a deferral report to provide wording for reasons for refusal and providing commentary on the detailed reasons for refusal on the application.

## 3. THE COMMITTEE'S PROPOSED REASONS FOR REFUSAL

- 3.1 The Committee were minded to refuse the applications on the following grounds:
- The impact of the scheme on the historic fabric of the Forge Building
  - The impact on the viability of the neighbouring Town Centre

### Historic Fabric

- 3.2 In the previous report officer's considered that there would be some harm to the listed building, caused by its subdivision, reducing the ability to appreciate the building and its historic features as a whole and the alterations to the fabric of the building that the proposed change of use would require. However, the measures taken in the subdivision, including the open lobby area, maintaining two large units at the front that are open at ceiling level and the lightweight glazed curtain walling between these units will, were considered to allow a satisfactory appreciation of the original volume and spatial qualities of the building. As such the harm was considered to be less than substantial. Therefore, in accordance with the NPPF the harm was weighed against the public benefits of the proposal. The public benefits of the proposal were considered to be that the historic features would remain in situ, the internal space would be opened up to the public and the building would be brought back into active use. A number of conditions requiring details to be approved were recommended by the Borough Conservation Officer in order to ensure suitable control over the internal structural changes. These benefits were considered to outweigh the less than substantial harm.

- 3.3 Members have given greater weight to the harm caused to the fabric of the listed building especially to the loss of historic fabric caused by the creation of a new entrance on the north western side elevation. It is worthwhile to note that the building was restored in 2007 along with a number of alterations. These included the installation of large windows in what were originally blind recesses on the front elevation, a new entrance at the southern corner on the side elevation and northern corner on the rear elevation. Glass curtain walling has also been installed towards the western corner on the side elevation, a new concrete floor has been laid and the roof is also new. However, the Members considered that the further loss to the original wall to be unacceptable, and in addition to this, the necessary adaptation of the gantry's structural supports internally to allow access from this entrance, to represent substantial harm to the listed building. Moreover, it was considered that the alteration to the fabric of the original building is considered readily visible from the highway being positioned so close to the front elevation.

#### Effect on the viability of Westferry Road Neighbourhood centre

- 3.4 In the previous officers' report it outlined the applicant's justification for the proposed retail unit and their assessment against the relevant NNPF, NPPG and local plan policy tests.
- 3.5 The report also explained that the submitted Retail Assessment was reviewed and assessed by the Council's own appointed consultant, and was considered that the sequential and impact tests of the NNPF had been satisfied. In line with policy DM2 of the Managing Development Document it was considered that local need had been established that cannot be met within an existing town centre and that the retail unit is of an appropriate scale within the edge of town centre location. Rather than encouraging a concentration of uses that would undermine the viability of the Westferry Road Neighbourhood centre, the retail unit as well as the flexible unit proposed were considered to support the vitality and growth of the nearby Westferry Road Neighbourhood centre.
- 3.6 However, Members considered that the impact on the viability of the Westferry Road Neighbourhood Centre to be unacceptable. In agreement with the refusal reason put forward in the initial application (PA/13/01642) Members consider that the proposed units are significantly over the 100sqm threshold for a retail unit to be considered local in nature and as such, whilst a sequential test has been submitted it was considered that this does not provide the sufficient justification for the retail uses within this location, to justify a department from the recently adopted Managing Development Document policy DM2.
- 3.7 Officers need to emphasise again to the Committee that an independent review of the Retail Assessment was carried out by a specialist retail consultant appointed by the Council. In the absence of any contrary evidence this proposed reason for refusal could be difficult to sustain if the applicant were minded to exercise their rights to an appeal. Nevertheless, the draft wording for this reason for refusal is outlined under Recommendation.

#### Implications arising from a decision to refuse the applications

- 3.8 In the event that the Committee resolves to refuse one or both applications, the following options could be exercised by the applicant.
- 3.9 The applicant could approach the Council for further pre-application advice on an amended proposal and thereafter submit new applications.

- 3.10 The applicant could exercise their right to appeal to the Secretary of State against the Council's decisions. The appeals would be determined by an independent inspector appointed by the Secretary of State, Section 3 of this report sets out the officer assessment of the low likelihood of success in defending one of the reasons for refusal. However if the Committee do resolve that the application for planning permission should be refused on grounds relating to retail impact, officers will seek to defend the Council's position.

#### **4. RECOMMENDATION**

- 4.1 Officers' original recommendation as set out in the officers' report for Development Committee on 2015 to grant planning permission for the proposal remains unchanged.
- 4.2 However, if Members are minded to refuse planning permission for this scheme, then the proposed refusal reasons are as follows:

Applications for planning permission and listed building consent  
(PA/14/02573 and PA/14/02574)

1. The proposal would further erode the historic fabric of the listed building which has already been subject to a number of recent alterations and would fail to preserve the special architectural and historic character of the building. The proposal therefore fails to comply with policies DM24 and DM27 of the Managing Development Document (2013), SP10 of the Core Strategy (2010), policies 7.4 and 7.8 of the London Plan (Consolidated with Alterations since 2015), the National Planning Policy Framework (2012) and National Planning Policy Guidance.

Application for planning permission (PA/14/02573)

2. The proposed development would undermine the viability and vitality of the adjoining neighbourhood centre (361-375 Westferry Road). As such, the proposal is contrary to the National Planning Policy Framework, policy SP01 of the adopted Core Strategy (2010) and policies DM2 and DM25 of the Managing Development Document (2013) which seek to ensure new retail is of appropriate size, scale and location to town centres and that it preserves residential amenity.

<b>Committee:</b> Development	<b>Date:</b> 14 <sup>th</sup> May 2015	<b>Classification:</b> Unrestricted	<b>Agenda Item:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Full Planning Permission Application	
<b>Case Officer:</b> Brett McAllister		<b>Ref Nos:</b> PA/14/02753 (Full Planning Permission & PA/14/02754 (Listed Building Consent)	
		<b>Ward:</b> Island Gardens	

## 1. APPLICATION DETAILS

- 1.1 **Location:** The Forge, 397 & 411 Westferry Road, London, E14 3AE
- 1.2 **Existing Use:** Vacant Warehouse permitted for business use (Use Class B1).
- 1.3 **Proposal:** Full Planning Permission and Listed Building Consent for:
- Change of use of part of The Forge from business use (Use Class B1) to convenience retail food store (Use Class A1) with gross internal floor area of 394m<sup>2</sup> and net sales area (gross internal) of 277m<sup>2</sup>;
  - Change of use of a separate unit of The Forge (Use Class B1) to interchangeable uses for either or financial and professional services, restaurants and cafes, drinking establishments, office, non-residential institutions (nursery, clinic, art gallery, or museum), or assembly and leisure (gym), namely change of use to uses classes A2, A3, A4, B1a, D1 and D2 with gross internal floor area 275.71m<sup>2</sup>;
  - The remainder of the ground floor would be for office use split into 3 units (Use Class B1a)
  - 297.17m<sup>2</sup> GFA of new floor space created at 1st floor level (internally) for office use, split into 3 units (Use Class B1a)
  - Internal and external changes and maintenance to the Forge to facilitate the change of use to retail convenience store including new customer access to the north west elevation, internal partitions, works to the roof to facilitate new plant equipment and satellite dish; making good to walls (internal and external), maintenance to internal cranes and general building maintenance;

## **2. BACKGROUND**

- 2.1 The linked applications for planning permission and listed building consent were considered by the Development Committee on 11<sup>th</sup> March 2015. A copy of the original report is appended.
- 2.2 The Committee deferred the applications in order to visit the site, to better understand the proposals and their effect on the setting and appearance of the listed building.
- 2.3 A site visit was undertaken on 2<sup>nd</sup> April 2015 at 6.30pm. Members will have the opportunity to report back on their findings at the next meeting of the Development Committee on 14<sup>th</sup> May 2015.

## **3. FURTHER REPRESENTATIONS**

- 3.1 Following the deferral of the application by the Committee, the Council has received additional information from the applicant and three further representations from a ward councillor and members of the public.
- 3.2 A letter was received from the applicant's agent, after the previous committee responding to matters that were raised at committee. Matters raised in the letter which are not covered in the committee report are summarised as follows:
- 3.3 History of the Site
  - A condition requiring an information notice board be erected and maintained inside the building is suggested. The notice board would advise on the history of The Forge and the historical importance of the building for the local area.
  - The same time as the Forge was renovated in 2007 the use changed from Use Class B2 to Use Class B1.
  - The Forge may well have been compartmentalized when it was in active industrial use and the latest changes should be considered the most recent evolution of the building.
- 3.4 New External Opening
  - The new entrance on north western elevation was suggested by Conservation Officer.
  - There was concern that customers would be much less inclined to travel past the unit on the south east half of the building to get to the unit on the other side of the building.
  - Deliveries to a unit on the north-western side without an entrance would have to travel further creating more noise and disturbance to neighbours.
- 3.5 Deliveries and Size of Vehicles
  - Parking arrangement and service management plan agreed with Council Highways officers and TfL.
  - Service Management Plan states that the maximum vehicle that would be used for deliveries would be an 8 metre rigid lorry.
  - Prior to the application there would be no restrictions to the delivery vehicles and times used.
  - If the building cannot be serviced from the rear (as was part of the reason for refusal in the previous application) and not from the front then the Council must accept the building will remain vacant.



### 3.6 Robustness of Marketing

- The suggestion to split the building into a number of smaller offices has several issues including removing the sense of openness of the building, not being publicly accessible and limited natural daylight.
- Site was also discounted by other potential uses which also would have had amenity and highways matters.

3.7 A Councillor has circulated an email illustrating concerns that he raised at the March committee relating to the potential size of the delivery vehicles that would service the proposed retail unit and the resulting impact on highway safety on Westferry Road.

3.8 The email includes four photographs of a 16.5 metre long articulated delivery lorry outside of a Tesco Express at Landmark on Westferry Road. The pictures show the traffic disturbance caused while the lorry is parked, caused by vehicles having to overtake it or waiting to overtake it.

3.9 One further letter of support and letter of objection have been received since the March committee. They do not raise any new issues.

## 4. **ASSESSMENT**

### Servicing & Loading

4.1 The proposed loading bay to be created on the public highway outside the Forge would be 15 metres in length with parking bays immediately north and south of the loading bay. As outlined in the service management plan the retail unit would be served by 8 metre long rigid lorries. The 15 metre loading bay allows an adequate entry and exit taper for an 8 metre lorry that would enable the lorry to park tight to the kerb without the need to manoeuvre into the space.

4.2 The loading bay would be marked slightly wider (2.5 metres) than the parking bays it would be converted from (2 metres) in order to fully accommodate the delivery vehicles which are 2.5 metres wide.

4.3 Parking services have confirmed that if a delivery vehicle was found to be off-loading outside of the loading bay and overlapping onto adjacent parking space the loading vehicle would be liable for traffic enforcement and a penalty ticket.

4.4 In terms of the concerns raised relating to a similar retail development at Landmark, Westferry Road, it should be noted that here is no designated loading bay and no restriction placed on the size of the delivery vehicles by parking bays at the Landmark Tesco.

## 5. **OTHER ISSUES RAISED AT THE SITE VISIT**

5.1 At the site visit a member asked about the number of residential units served from the north western core of the Forge Square development.

5.2 Further investigation shows that a total of 76 residential units are served from this core with a total of 190 residential units in the development as a whole.

5.3 Also at the site visit, some members asked about how the historic fabric of the building including important fixtures and fittings would be preserved and incorporated within the proposed development. Following further consultation with the Borough

Conservation Officer, a number of additional conditions have been recommended in order to fully safeguard the historic fabric of the building.

## 6. RECOMMENDATION

### 6.1 Planning application

Officers do not wish to change their original recommendation to **GRANT PLANNING PERMISSION**, subject to conditions.

### 6.2 Listed Building Consent application

Officers do not wish to change their original recommendation to **GRANT LISTED BUILDING CONSENT**, but recommend that the following additional conditions are attached, requiring details to be submitted prior to commencement:

1. Details of layout and internal furniture and equipment and how it relates to the historic fabric to be submitted and approved prior to any new use coming into the building.
2. Details of crane position and reversible fixing of crane in position.
3. Method statement relating to amendments to steel bracing on western corner of the building in connection with formation of new entrance to ensure structural stability of travelling crane and building structure.
4. Requirement for there to be a noticeboard erected inside the Forge advising about history of building and how it relates to history of wider area.
5. Scheme for removal of external render and making good the underlying original brickwork on the northern elevation bays affected by the proposed new entrance.
6. Details of internal stairs.
7. Details of internal ramps.
8. Details of central partition wall in relation to central colonnade.
9. Details of signage for proposed uses including fixing details.
10. Details of internal finishes must include floor finishes.

6.3 The Committee may wish to add, vary or delete conditions based on their detailed consideration of the applications at the site visit.

<b>Agenda Item number:</b>	5.1
<b>Reference numbers:</b>	PA/14/02753 & PA/14/02754
<b>Location:</b>	The Forge, 397 & 411 Westferry Road, London, E14 3AE
<b>Proposal:</b>	<p>Planning permission and Listed Buildign Consent is sought for change of use of part of The Forge from office (Use Class B1) to convenience retail food store (Use Class A1) with gross internal floor area of 394 sq m and net sales area (gross internal) of 277 sq m; and change of use of the remainder of The Forge (Use Class B1) to interchangeable uses for either or financial and professional services, restaurants and cafes, drinking establishments, business, non-residential Institutions (nursery, clinic, art gallery, or museum), or assembly and leisure (gym), namely change of use to uses classes A2, A3, A4, B1(a), D1 and D2; with 297.17 sq m GFA of new floor space created at 1st floor level for business (Use Class B1(a)) and internal and external changes and maintenance to The Forge to facilitate the change of use to retail convenience store including new customer access to the north elevation, internal partitions, works to the roof to facilitate new plant equipment and satellite dish; making good to walls (internal and external), maintenance to internal cranes and general building maintenance; Demolition of external walls to facilitate access to The Forge and rebuilding of one wall, repositioning of lighting column, and cycle parking.</p>

## 1.0 ADDITIONAL REPRESENTATIONS

- 1.1 Four representations have been received since the publication of the deferred item report. Two of these are in support of the proposal and include a letter from the applicant and the other two object to the proposal. It should be noted that one of the representees who objected has already previously objected.
- 1.2 Most of the issues raised in the additional representations have been raised previously and are addressed in the officers' report. The applicant's letter attempted to clarify a few further issues that were raised at committee.
- 1.3 A further clarification was offered by the applicant with regards to the position of the various units within the Forge as the best possible arrangement in terms of maximising the light received to all of the units. If the interchangeable unit and two offices were on the other side then the amount of light received by the offices to the rear would be much lower than the current arrangement.
- 1.4 The applicant also outlined that there is no advantage to be gained by the retail unit from being on the north western side of the building in terms of additional visibility of signage for the unit.
- 1.5 The applicant draws the Council's attention to a recent Planning Appeal by Tesco Stores Limited. Attached to the appeal decision that grants permission, the Inspector has imposed a condition that limits the size of the delivery vehicles.

## Officer Comments

- 1.6 In terms of the position of the units within the Forge the impact on light levels at the rear offices by swapping the retail unit and Interchangeable is noted. It is also considered that there would be no additional visibility gained for the retail unit by being on the north western side.
- 1.7 Although the applicant has been able to find an example of a condition that restricts the size of delivery vehicles it is still the view of the Council that a condition of this type is not enforceable as it is a Highways matter. The National Planning Policy Guidance states that conditions cannot be imposed outside of the application site. There are however ways that the size of delivery can be restricted. The submitted Service Management Plan would be conditioned to be implemented which includes the details of the restriction to the size of delivery vehicles to no more than 8 metres in length. Members should also note that there would be a further restriction of the size of delivery vehicles from the parking bays on either side of the loading bay, outlined in the deferred item report.

## **2.0 LOCAL FINANCE CONSIDERATIONS**

2.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended by the Localism Act) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:

- 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.

2.2 Section 70(4) defines "local finance consideration" as:

- 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.

2.3 In this context "grants" might include New Homes Bonus. This application would not attract a any New Homes Bonus.

2.4 Local finance considerations are capable of being material planning considerations when determining planning applications or planning appeals.

2.5 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would be payable on this scheme if it were approved. The approximate CIL contribution is estimated to be around £39, 749

2.6 This application is also subject to the Tower Hamlets Community Infrastructure Levy, which came into force for application determined from 1 April 2015.

This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Councils adopted CIL charging schedule. The estimated Borough CIL contribution for this development is approximately £0.

<b>Committee:</b> Development	<b>Date:</b> 11 March 2015	<b>Classification:</b> Unrestricted	<b>Agenda Item:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Full Planning Permission Application	
<b>Case Officer:</b> Brett McAllister		<b>Ref No:</b> PA/14/02753 (Full Planning Permission & PA/14/02754 (Listed Building Consent)	
		<b>Ward:</b> Island Gardens	

## 1.0 APPLICATION DETAILS

- 1.1 **Location:** The Forge, 397 & 411 Westferry Road, London, E14 3AE
- 1.2 **Existing Use:** Vacant Warehouse permitted for business use (Use Class B1).
- 1.3 **Proposal:** Full Planning Permission and Listed Building Consent for:
- Change of use of part of The Forge from business use (Use Class B1) to convenience retail food store (Use Class A1) with gross internal floor area of 394m<sup>2</sup> and net sales area (gross internal) of 277m<sup>2</sup>;
  - Change of use of a separate unit of The Forge (Use Class B1) to interchangeable uses for either or financial and professional services, restaurants and cafes, drinking establishments, office, non-residential institutions (nursery, clinic, art gallery, or museum), or assembly and leisure (gym), namely change of use to uses classes A2, A3, A4, B1a, D1 and D2 with gross internal floor area 275.71m<sup>2</sup>;
  - The remainder of the ground floor would be for office use split into 3 units (Use Class B1a)
  - 297.17m<sup>2</sup> GFA of new floor space created at 1st floor level (internally) for office use, split into 3 units (Use Class B1a)
  - Internal and external changes and maintenance to the Forge to facilitate the change of use to retail convenience store including new customer access to the north west elevation, internal partitions, works to the roof to facilitate new plant equipment and satellite dish; making good to walls (internal and external), maintenance to internal cranes and general building maintenance;

- 1.4 **Documents:** Planning Statement (including Statement of Community Involvement) by GL Hearn (September 2014)  
Retail Statement by GL Hearn (October 2014)  
Design and Access Statement by Archer Architects ref. A4731-PL-DAS-# (01.10.2014)  
Marketing Report by Cherryman (undated)  
Transport Statement by VCL2 (August 2014)  
Heritage Statement by KMHeritage (June 2013)  
Addendum to Heritage Statement by KMHeritage (June 2013)  
Environmental Noise Assessment by Sharps Redmore (23.07.2014)  
Flood Risk Assessment by Cannon Consulting Engineers ref. CCE/L791/FRA (May 2013)
- 1.5 **Drawing Nos:** GLH/J029438/100 (2013)  
4731(P)310 (29.01.2013)  
4731(P)311 Rev. C (01.12.2013)  
4731(P)312 (29.01.2013)  
4731(P)313 (29.01.2013)  
4731(P)314 (29.01.2013)  
4731(P)315 (29.01.2013)  
4731(P)316 (29.01.2013)  
4731(P)317 (29.01.2013)
- 1.6 **Applicant:** The Forge Investment Properties LLP
- 1.7 **Owner:** Same as applicant
- 1.8 **Historic Building:** Grade II Listed.
- 1.9 **Conservation Area:** Chapel House Conservation Areas

## 2. EXECUTIVE SUMMARY

- 2.1 The main issue addressed in this report is whether the proposed change of use is acceptable in terms of land use including whether its impact on the designated Westferry Road Neighbourhood Centre (WRN centre) is acceptable.
- 2.2 In addition to this, there are two other main issues: whether the works required to facilitate the development are acceptable in relation to the sites designation as a Grade II listed building and whether the proposed impacts of the development are acceptable in relation to the amenity of neighbouring residents.
- 2.3 Having considered all Development Plan policies, the proposed land uses are and its associated impacts are acceptable in this instance, and the proposal is recommended for approval.
- 2.4 The proposed works to the Listed Building are considered to preserve the special character and appearance of the Grade II listed building and the Chapel House Conservation Area, in accordance with policy SP10 of the adopted CS, policy DM27 of the MDD and the NPPF which seeks to bring heritage assets back into use and ensure any harm is weighed against the benefits of the work.

### **3. RECOMMENDATION**

3.1 That the Committee resolve to grant planning permission subject to the following planning conditions:

- 3.2
1. Time Limit.
  2. Completion in accordance with approved drawings.
  3. All materials/ finishes to match existing unless specified on submitted drawings.
  4. Hours of Operation
  5. Delivery/Servicing Hours
  6. Use specific Servicing Management Plan for all units
  7. Relocation parking bay/loading bay in place prior to any development on site
  8. Cycle Parking
  9. Highway Improvements
  10. Controlling condition for future extraction
  11. Site management plan (including details of employee facilities in house, cases stored in back of house area)
  13. Details of glazed screen, new structural opening, fixings of heating and ventilating equipment
  14. Relocation of bus shelter, camera and on street parking spaces

That the Committee resolve to grant Listed Building Consent subject to conditions relating to:

1. Time limit
2. Completion in accordance with approved plans
3. Details of all new structural openings
4. Details of external fenestration details (doors and windows)
5. Details of connections to historic fabric
6. Details of internal glazed screens
7. Details of fixings of heating and ventilation equipment
8. Details of roof plant enclosure screen
9. Details of internal finishes to existing structure
10. Method statement relating to construction of mezzanine floor
11. Method statement relating to construction of rooftop plant platform
12. Samples of all materials
13. Brick sample panels
14. Analysis and publication of the existing historic buildings record

Along with relevant passive conditions ensuring compliance, informatives etc.

### **4. PROPOSAL AND LOCATION DETAILS**

#### **4.1 Proposal**

4.2 The applicant seeks full planning permission to subdivide the Grade II listed warehouse known as The Forge at ground floor and create additional floorspace at a newly created internal first floor level (mezzanine level).

4.2 At ground floor, the vast majority of the north western half of the building, fronting Westferry Road, would comprise a 394m<sup>2</sup> retail unit (Use Class A1).

The south eastern half would comprise a separate unit of 275.71m<sup>2</sup>, also fronting

Westferry Road, with flexible uses for either/or financial and professional services, restaurants and cafés, drinking establishments, office, non-residential institutions (nursery, clinic, art gallery, or museum), or assembly and leisure (gym) (Use Classes A2, A3, A4, B1a, D1 and D2);

- 4.3 At the north eastern end of the building, fronting the Forge Square, three separate office units would be created at ground floor level and additional floor space would be created on the first floor mezzanine level to accommodate a further three office units.
- 4.4 The proposal involves various internal and external changes and maintenance to The Forge to facilitate the change of use.
- 4.5 Externally these include the formation of a new customer access at the western corner on the side elevation; the formation of an access to the rear offices in the centre of the existing glass curtain walling towards the eastern corner on the side elevation; installation of platform on the roof to facilitate new plant equipment and satellite dish; the relocation of the wall, pier and gate on the north western side of the front elevation; the removal of a section of the wall, pier and gate on the south eastern side; making good to walls and the provision of cycle parking.
- 4.6 Internally the changes include internal partitions and the construction of mezzanine level to create an additional floor level internally, maintenance to internal cranes and general building maintenance. Listed building consent is also sought for the works to the Forge.
- 4.7 The proposal would be serviced from the northern side of Westferry Road directly in front of The Forge via a new loading bay.

## **5 Site and Surrounds**

- 5.1 The application site, The Forge at 397 & 411 Westferry Road is located on the northern side of Westferry Road.
- 5.2 The Forge is a Grade II listed warehouse building, due to it being the last remaining mid-19<sup>th</sup> century iron shipbuilder's forge in London, outside the royal dockyards. The site is also located within the Chapel House Conservation Area.
- 5.3 The Forge forms a central building within a recent housing development called Forge Square which surrounds the application site on three sides with The Forge's front elevation bounding Westferry Road. The Forge Square development comprises residential blocks of 5, 6 and 7 storeys. There is access into the Forge Square from Harbinger Road with an access road and car parking running along the rear of the Forge.
- 5.4 The site is located 128 metres from the nearest designated town centre Westferry Road Neighbourhood Centre.
- 5.5 The Forge has been vacant since it was refurbished in 2007 as part of planning ref. PA/05/01626 and then the subsequent application ref. PA/07/01912 to make alterations during the course of construction.



## 6 Planning History

### 6.1 The Forge Square Development

PA/05/01626

Demolition of existing buildings and redevelopment for mixed use purposes comprising 190 residential units and 282 sq m of Class B1 (Business) use, with the change of use of the forge building from general industry to Class B1 (Business) use, car parking (96 spaces) and hard and soft landscaping.

Approved on 16/04/2007

### 6.2 PA/07/01912

Alterations during course of construction to the development permitted on 16th April 2007 (Ref. PA/05/1626) for demolition of existing buildings and redevelopment by 190 residential units and 282 sq m of Class B1 (Business) use with the change of use of the forge from general industry to Class B1 (Business) use together with car parking and hard and soft landscaping. (Alterations to windows, doors and gates, revised car and cycle parking arrangements, the provision of lift overruns and the erection of an electricity sub-station).

Approved on 04/01/2008

The following change of use applications relate to units developed as part of the above applications.

### 6.3 Unit 3, Building C, 399 Westferry Road E14

PA/11/00980

Change of use from office (Use Class B1) to office/retail/financial and professional services/community use (Use Classes B1/A1/A2/D1).

Approved on 06/07/2011

### 6.4 Unit 1, 2 Harbinger Road E14 3AA

PA/11/00981

Change of use from office (Use Class B1) to office/retail/financial and professional services/community use (Use Classes B1/A1/A2/D1).

Approved on 14/10/2011

### 6.5 The Forge, 397 & 411 Westferry Road

PA/13/01642

Change of use of part of The Forge from office (Use Class B1) to convenience retail food store (Use Class A1), - Change of use of the remainder of The Forge (use class B1) to interchangeable uses for either or shops (not convenience shops), financial and professional services, restaurants and cafes, drinking establishments, business, non-residential institutions (nursery, clinic, art gallery, or museum), or assembly and leisure (gym), namely change of use to uses classes A1, A2, A3, A4, B1 (a), D1 and D2; - 297.17 sqm GFA of new floor space created at 1st floor level for business (Use Class B1(a), - and internal and external changes and maintenance to facilitate the change of use to retail convenience store including new customer access to the north elevation, internal partitions, works to the roof to facilitate new plant equipment and satellite dish; making good to walls (internal and external), maintenance to internal cranes and general building maintenance; and reconfiguration of car parking to the rear and; - Demolition of external walls to facilitate access.

Refused: 02.10.2014

- 6.6 PA/13/01643  
Listed Building Consent sought for internal and external changes including new customer access to the north elevation, internal partitions, works to the roof to facilitate new plant equipment and satellite dish; making good to walls, maintenance to internal cranes and general building maintenance; and reconfiguration of car parking to the rear. Proposal also includes demolition of external walls to facilitate access and rebuilding of one wall, repositioning of lighting column, and cycle parking.  
No further action following refusal of concurrent application above.

## 7. POLICY FRAMEWORK

- 7.1 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.

- 7.2 **Government Planning Policy Guidance/Statements:**
- National Planning Policy Framework (2012) (NPPF)
    - Section 2 – Ensuring the Vitality of Town Centres
    - Section 7 – Requiring Good Design
    - Section 12 – Conserving and Enhancing the Historic Environment
  - National Planning Policy Guidance (2014) (NPPG)

- 7.3 **Spatial Development Strategy for Greater London (2011) (LP):**
- 4.7 - Retail and Town Centre Development
  - 7.15 - Reducing Noise and Enhancing Soundscapes
  - 7.4 – Local Character
  - 7.8 – Heritage Assets and Archaeology

- 7.4 **Core Strategy Development Plan Document 2025 (2010)(CS):**
- SP01 - Refocusing on Town Centres
  - SP03 - Creating Healthy and Liveable Neighbourhoods
  - SP10 - Creating Distinct and Durable Places

- 7.5 **Managing Development Document (2013)(MDD):**
- DM1 - Development within Town Centre Hierarchy
  - DM2 - Local shops
  - DM15 - Local job Creation and Investment
  - DM24 - Place Sensitive Design
  - DM25 – Amenity
  - DM27 – Heritage and the Historic Environment

- 7.6 **Supplementary Planning Guidance:**  
Chapel House Conservation Area Appraisal

## 8. CONSULTATION

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

The following were consulted regarding the application:

## 8.2 LBTH Transport & Highways

- The relocation of the parking bays is acceptable subject to the applicant meeting the costs of all works and traffic orders required.
- Without relocation of the parking bays and creation of a loading bay on Westferry Road outside the proposed A1 unit, the servicing of the site would not be acceptable to Highways. As such, a condition to the effect that the development cannot commence without full agreement of all stakeholders needed to allow the relocation to take place should be attached to any permission.
- A service management plan must be submitted prior to occupation of the retail unit. This must include information of the maximum size of vehicles used for deliveries and a commitment from any occupier for loading to take place outside of school peak times.
- Highways have observed at similar food stores cages obstructing the footway. The applicant is asked to describe the measures that will put in place to minimise this occurring. We note the access to the west of store to the 'back of house' area would be appropriate for storing cages.
- Highways are satisfied that the applicant has demonstrated the proposed uses at the development will not cause an unacceptable impact on the highway resulting from the additional car trips it will generate.
- The cycle parking is acceptable.

(Officer comment: *the impact of the proposal on highways matters is discussed within the material planning considerations section of this report*)

## 8.3 LBTH Environmental Health – Noise and Vibration

- It is accepted that the applicants Noise assessment report offers mitigation to meet requirements of BS4142 min 10dB(A) below lowest records L90 background noise measurement.
- There is the presumption that good design is complied with under BS8233, as it is important to realise that where there is mixed commercial/residential, commercial plant is not intrusive to future occupants, with low frequency noise controls so noisy venues are not audible at the nearest residential as relevant.
- Please provide the raw data for the hours of operation which needs to include a Calibration Certificate for the noise monitoring equipment used, to show that extractor/mechanical plant complies with BS4142 10dB below lowest background noise levels at the nearest noise sensitive residential premises.
- Restaurants, cafes etc. where extractor/mechanical units are used need to provide measures for odour/smell nuisance need to show mitigation measures to minimise the likelihood of complaints.
- If there will be any licensable premises, under the terms of the Licensing Framework, Hours of operation are till 11.30pm Monday to Thursday, Midnight on Fridays and Saturdays and 10.30pm on Sundays
- Commercial deliveries to be undertaken between 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, no Sundays or Bank Holidays.

(Officer comment: *the impact of the proposal on amenity/environmental health is discussed within the material planning considerations section of this report*)

#### 8.4 LBTH Waste Policy & Development

Initial comments were as follows:

- Please note that the ground floor plans do not show the location of the waste storage facility - this should be shown.
- Residential waste and commercial waste are not permitted to be stored in the same bin store. Could the applicant detail where the waste will be collected from and how many recycling and refuse bins are proposed for the commercial unit/s?

*(Officer comment: in response the applicant provided an amended plan and further clarification:*

- *An amended ground floor plan received (Reference: 4731(P)311 Rev. C dated 01.12.2014) which indicated the location of a bin store with ample room for the units it would serve.*
- *The bin store would be for the office space at ground and 1<sup>st</sup> floor and the interchangeable commercial unit rather than the convenience store. The offices and other larger commercial unit would have access to this bin store and the store would then be emptied by an agreed contractor via the access into the site off Harbinger Road.*
- *The A1 (convenience store) unit would have its own bin store in their own back of house area and their bins are emptied / rubbish taken away on their own delivery vehicles which is a general business practice.*

*Following the submission of the amended plan and above information the Waste Policy team had no objections to the proposals.)*

#### 8.5 LBTH Access

Following receipt of the following information the Access Officer had no objection to the proposal:

- the ground floor (retail / commercial and office space) is fully accessible to all and has a level threshold (with appropriately designed ramps that accord with DDA compliance) and wide and bi-parting doors to the front either side of the building and internally into the retail unit to allow the delivery of goods and accessibility for customers.
- the offices at 1<sup>st</sup> floor do not have a lift access due to the design and layout of the building. Given the grade II listed status of the building the implications of the intervention to historic fabric of the building would be to its detriment. The design of a specialist lift would render 1<sup>st</sup> floor office space to be unviable and thus not to maximise the potential space in the building.

*(Officer comment: It is considered that the constraints of the building, limits full accessibility requirements, and therefore in this instance and on balance the limitation of access to the first floor mezzanine level is acceptable.)*

#### 8.5

#### LBTH Design & Conservation

A Council Conservation Officer made the following comments:

*"The Forge is an important Grade II listed industrial structure. The Heritage Statement, submitted with the report sets out the complex history of the*

building. The relevant list description states that ‘This is the only surviving mid-19<sup>th</sup> century iron shipbuilders’ forge in London, and possibly England, outside the Royal dockyards’.

Extensive works to the building were undertaken several years ago but the building has remained vacant. The applicants state that the proposed subdivision of the large space is necessary in order to secure a use for the building.

Overall the changes to the fabric are considered acceptable in listed building terms however I would request that additional glazed areas are incorporated within the central division so that the full height of the double columns can be better appreciated in internal views within the building. Should the proposal be approved it is important that relevant conditions are attached with regard to details including the glazed screen, details of the new structural opening to accommodate the proposed new entrance and details of fixings with regard to heating and ventilating equipment.”

(Officer comment: the impact of the proposal on design and conservation is discussed within the material planning considerations section of this report)

8.6

#### **Environment Agency**

No objection to the proposed development.

(Officer comment: the impact of the proposal on flood risk is discussed within the material planning considerations section of this report)

#### 8.7 **Greater London Industrial Archaeology Society (GLIAS)**

Objected for the following reasons:

- Visualisations misleading, give optimistic impression
- Subdivision will be awkward and concealing
- No extra room has been provided for the associated requirements of the possible uses of the interchangeable unit, i.e. kitchen, bar. These will further obscure the buildings valuable features
- Spatial qualities would be destroyed by the subdivision
- The subdivision would make it much harder to see how the building was laid out originally and how it operated
- Aesthetic qualities of the building will also be damaged
- Once subdivision has occurred it will be very difficult to reverse

Additional points in letter objecting to PA/13/01642 and PA/13/01643 which the above objection refers to.

- Nationally rare forge
- The building has numerous distinctive special features
- Practically the last undivided heavy engineering workshop in London
- Interior is of outstanding character; great to experience within an undivided space
- The rear offices will reduce the length of the interior and crowd the arcade
- Shelves will make it difficult to appreciate features within the supermarket

(Officer comment: this objection is discussed fully within the design and conservation section of this report)

## 8.8 Transport for London (TfL)

- Cycle parking should be provided in line with the Further Alterations to the London Plan (FALP).
- Due to scale and location, TfL deem the proposal to have no adverse effect on the road network.

(Officer comment: *the impact of the proposal on highways is discussed within the material planning considerations section of this report*)

## 9. LOCAL REPRESENTATION

9.1 A total of 326 neighbouring addresses were consulted by letter, a site notice was posted and the application was published in the East End Life. 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:	89	Objecting: 67
		Supporting: 22
No of petitions received:	1 objecting containing 815 signatories	

### 9.2 Representations Objecting

The following issues were raised in objection to the proposal and they are addressed in the next section of this report:

9.3 Principle of the store within the listed building

(Officer comment: *the impacts of the proposal on land use and conservation matters are discussed within the material planning considerations section of this report*)

9.4 Already too many Tescos/other supermarkets within the Isle of Dogs

9.5 National supermarket chain like Tesco unwelcome

9.6 Sufficient provision already along Westferry Road with local shops and Crossharbour ASDA

(Officer comment: *the planning system simply considers the proposed use(s). It does not differentiate between different retailers or consider a wider over-concentration of a particular retailer within a geographical area.*)

9.7 Better to encourage types of shops that the area lacks

(Officer comment: *The suggestion for the site to be better used for shops that the area lacks is noted. However, the application is assessed based on the uses proposed within this application and it is not for the local planning authority to impose an alternative use on a site owner*)

9.8 Adverse impact on the local shopping parade

9.9 The closure of the post office would impact elderly and disabled residents disproportionately

(Officer comment: *the impacts of the proposal on the nearby Westferry Road Neighbourhood Centre are discussed within the material planning considerations*)

*section of this report)*

- 9.10 Some of the broad range of uses for the flexible unit not suitable for the area i.e. restaurant, pub, betting office

*(Officer comment: the impacts of each of the proposed uses for the flexible unit are discussed within the material planning considerations section of this report)*

- 9.11 property values would go down

*(Officer comment: the effect on property value is not a material planning consideration.)*

- 9.12 Design and Conservation

- 9.13 Inappropriate development on the listed building

- 9.14 Would like to see building preserved as it is

*(Officer comment: The impact of the proposal on the listed building is discussed within the material planning considerations section of this report)*

- 9.15 Would discourage tourists

*(Officer comment: The impact of the proposal on the listed building is discussed within the material planning considerations section of this report)*

- 9.16 Addition bin storage unsightly

*(Officer comment: The waste and refuse arrangements of the proposal are discussed within the material planning considerations section of this report)*

- 9.17 Amenity/Environmental Health

- 9.18 Increased noise from

- Bins/Cages
- Extraction system
- Customers
- Deliveries

*(Officer comment: The full noise impacts of the proposal are discussed within the material planning considerations section of this report)*

- 9.19 Increased air pollution/smells

*(Officer comment: The impact of the proposal on potential air pollution/smells is discussed within the material planning considerations section of this report)*

- 9.20 Increased litter

*(Officer comment: Whilst the planning system can control the use of the land, it cannot control the behaviour of the users of the building/land)*

- 9.21 Opening hours too long

*(Officer comment: the opening hours would be further restricted through planning condition and this is detailed in the material planning considerations section of this report)*

- 9.22 Increase in vehicular traffic and its impact on:  
safety for children attending Harbinger School  
traffic congestion  
cycle safety  
public transport  
parking stress  
Construction work would also increase traffic

(Officer comment: *The impacts of the proposal on traffic levels are discussed within the material planning considerations section of this report*)

- 9.23 Increase in waste and refuse within the area  
Use of residents bins

(Officer comment: *The waste and refuse arrangements of the proposal are discussed within the material planning considerations section of this report*)

- 9.24 Lack of parking and space for deliveries to serve the Tesco

(Officer comment: *parking and delivery arrangements of the proposal are discussed within the material planning considerations section of this report*)

- 9.25 Security/Crime  
Increased anti-social behaviour/crime  
Reduced security from:  
Workers associated with the proposed uses being allowed access to the gated Forge Square development  
Forge Square estate land being used by workers for cigarette/lunch breaks  
worse customer service at Tesco

(Officer comment: *Security impacts of the proposal from workers using the Forge Square development are discussed within the material planning considerations section of this report. In addition, there is no evidence to suggest that putting uses back into a building would increase security and crime.*)

- 9.26 Representations in Support

- 9.27 The following issues were raised in support of the proposal and they are addressed in the next section of this report:

- 9.28 Create jobs  
Meet a local need for a convenience store in the area  
Provide greater choice  
Additional retail provision required for a growing population  
Provide use for a longstanding vacant building

(Officer comment: *the impact of the proposal on land use matters is discussed within the material planning considerations section of this report*)

- 9.29 Respects special architecture and heritage of listed building  
Enliven street scene

(Officer comment: *The impact of the proposal on the listed building and character of the area is discussed within the material planning considerations section of this*



report)

- 9.30 Reduced travel times and journeys for local residents

(Officer comment: *highways matters is discussed within the material planning considerations section of this report*)

- 9.31 Late opening hours and security guard onsite would improve security in the area

(Officer comment: *the impact of the proposal on security matters is discussed within the material planning considerations section of this report*)

## 10. MATERIAL PLANNING CONSIDERATIONS

- 10.1 The main planning issues raised by the application that must be considered are:

- 10.2
1. Land Use
  2. Design and Heritage
  3. Amenity Impacts
  4. Highways Impacts

### 10.3 Land Use

#### 10.4 Loss of Employment Floorspace

- 10.5 The permitted use of the existing building is as one single business unit (Use Class B1) but the building has been vacant since converting to this use class in 2007 from general industry (Use Class B2). As mentioned in the description of development the proposal seeks to change the use of a substantial amount of the ground floor to uses other than business with the creation of two units, one of which would be for retail (Use Class A1) and the other a range of flexible uses including office use (Use Classes A2, A3, A4, B1a, D1 and D2). The rear of the unit would remain as office use and the space created at first floor mezzanine level would provide additional office space. Despite this additional office space created at first floor there is a potential net loss of office space of 372.5m<sup>2</sup>. The loss would be 96.79m<sup>2</sup> should the interchangeable unit be used as B1a.

- 10.6 The development plan policies relevant to the loss of employment floorspace are Policy SP06 of the CS and policy DM15 of the MDD.

- 10.7 Policy SP06 of the adopted CS, seeks to support the provision of a range and mix of employment uses and spaces in the borough, by retaining, promoting and encouraging flexible workspaces in town centre, edge-of-town centre and main street locations and also encouraging and retaining the provision of units (of approximately 250m<sup>2</sup> or less) suitable for small and medium enterprises.

- 10.8 Policy DM15 in the Managing Development Document, states that development should not result in the loss of active and viable employment uses, unless it can be shown, through a marketing exercise, that the site has been actively marketed (for approximately 12 months) or that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition.

- 10.9 In support of the application a Marketing Report by Cherryman was submitted. This was the same report that was submitted in 2013 for application with Council's ref. PA/13/1642 but confirmed that there is no change to their findings. The report

confirms that Cherryman have been marketing the Forge building since 2007.

- 10.10 According to the report, the marketing included signage, marketing banners, marketing details circulated to the local market via various estate agents and the Estate Agents Clearing House. The marketing led to a “very limited” amount of interest and no clients for the application site. The report states that in the 12 months prior to writing of the report there were just three viewings.
- 10.11 The report states that the lack of interest is due to the following factors:
- The unit being too large or too far off pitch from Canary Wharf
  - Limited passing trade
  - Too far for staff to travel
  - Too awkward for staff/customers to get to and ;
  - Insufficient other commercial ancillary activity due to residential location.
- 10.12 As stated within the planning history, units A and C were granted a change of use in 2011 from use class B1 to flexible uses within B1/A1/A2/D1. The lack of demand for office floorspace within this location was considered acceptable in 2011 within those applications. Officers are also satisfied in this case that the property has been actively marketed since 2007 and that the B1 use is not viable in its present state on site. The fact that the building has remained empty since 2007 provides satisfactory confirmation that the B1 use in its current format is not viable at this location. Given that the proposal re-provides some B1(a) floor spaces which would be more complementary in the current market together with its marketing evidence supporting the application, the loss of the current B1 use is considered to comply with policy DM15 in the MDD.
- 10.13 Provision of A1 Unit
- 10.14 The applicant seeks to create two units at ground floor, one retail unit (Use Class A1) and one unit with a range of flexible uses (A2/A3/A4/B1a/D1/D2); the details of which have been set out in the *Proposal* section of this report.
- 10.15 In the following sections the provision of the both of these units will be assessed against the relevant policy tests, starting with the provision of the retail unit.
- 10.16 The relevant areas of policy and guidance to the provision of the retail unit are SP01 of the CS, DM2 of the MDD, Section 2 and some relevant definitions in the glossary of the NPPF and the NPPG.
- 10.17 Policy SP01 of the CS sets out the town centre hierarchy and seeks to promote development that is consistent with the scale and role of town centres. It wishes to maintain, focus and increase the supply of town centre activity and retail floorspace across the borough to meet identified demand and support town centres as vibrant economic hubs. In addition to this, policy SP01 seeks to promote areas outside, and at the edge of town centres, as places that support and assist in the creation of sustainable communities. This is proposed to be achieved by:
- promoting mixed use development at the edge of town centres and along main streets to support town centres;
  - promoting areas outside of town centres for primarily residential uses as well as other supporting uses that are local in nature and scale.

- 10.18 Policy DM2(2) seeks to support development of local shops outside town centres where there is a
- demonstrable local need that cannot be met within an existing town centre;
  - they are of an appropriate scale to their locality;
  - they do not affect the amenity or detract from the character of the area;
  - and they do not form part of, or encourage, a concentration of uses that would undermine nearby town centres.
- 10.19 The accompanying text for policy DM2 advises at paragraph 2.3 that:
- 10.20 *2.3 Part (2) seeks to manage the risk of larger retail shops coming forward outside of designated centres. This could not only threaten the vitality and viability of the borough's town centres but could also have a negative impact on existing local shops (often local independent businesses) which are serving the needs of the local community. The introduction of larger shops may also be unsuitable to the local area in terms of size and the activity they may generate, for example with regards to congestion, parking and noise. For the purposes of part (2) of this policy, a shop which is local in nature is considered to have a gross floorspace of no more than 100 sqm (which is the equivalent of two small shop units). In assessing the need for new local shops the Council will take into consideration vacancy rates in nearby town centres.*
- 10.21 The boundaries of designated town centres across the borough are identified within the MDD. The application site is outside a town centre with the nearest being WRN centre, 128 metres north west of the site along Westferry Road (Nos. 361-375).
- 10.22 Section 2 of the NPPF seeks to promote the positive management and growth of competitive town centres. The importance of their sustained viability and vitality, and their provision of customer choice and a diverse retail offer is put forward in paragraph 23 of the NPPF. It also states that the needs for town centre uses such as retail must be met in full and should not be compromised by limited site availability. Appropriate edge of centre sites for main town centre uses should be allocated where they are well connected to the town centre and suitable and viable town centre sites are not available.
- 10.23 Edge of centre is defined in the glossary of the NPPF as: "for retail purposes, a location that is well connected and up to 300 metres of the primary shopping area." At 128 metres away from WRN centre positioned along the same main road, the site is considered to be an edge of centre location.
- 10.24 Paragraphs 24-27 outline the requirement for Local Planning Authorities to apply a sequential test to proposals for town centre uses outside of town centres. This requires applications for main town centre uses, such as retail, to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals it is advised that preference should be given to accessible sites that are well connected to the town centre. It is also advised that flexibility on issues such as format and scale should be demonstrated.
- 10.25 An impact assessment is required by the NPPF for main town centre use development outside of town centres if the floorspace is over a proportionate locally set threshold. It is considered that this threshold for Tower Hamlets is set in

the supporting text of Policy DM2 at 100m<sup>2</sup> and the applicant has duly provided an impact assessment contained in the submitted Retail Statement. The NPPF states that this assessment should include:

- 10.26 - the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- 10.27 - the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.
- 10.28 The NPPF requires an application to be refused if an application fails to satisfy the sequential test or is likely to lead to significant adverse impacts.
- 10.29 The NPPG provides guidance on carrying out the sequential test and the impact test. It places the obligation on the applicant to demonstrate compliance with both of these tests.
- 10.30 From this policy context there emerges 3 key policy tests:
- 10.31 1) The requirement to demonstrate **need** and an appropriate **scale** (DM2(2)a and b respectively)
- 10.32 2) The requirement to apply the **sequential test** (Section 2 of the NPPF, DM2 of the MDD)
- 10.33 3) The requirement to assess the **impact** of the development and demonstrate that it will not result in significant adverse impacts (Section 2 of the NPPF, DM2 of the MDD).
- 10.34 As mentioned above, the applicant submitted a Retail Statement (RS) in support of the application which seeks to demonstrate compliance with the above tests. The Council has commissioned Peter Brett Associates (PBA review) to independently review the Retail Statement on behalf of Tower Hamlets. The PBA review has concluded the following.
- 10.35 *Demonstrating Need and Appropriate Scale*
- 10.36 The applicant has carried out an assessment of the need, drawing on the Council's Retail and Leisure Capacity Study 2010 (which formed the evidence base document for Core Strategy and Managing Development Document) and assessed the need within the 500m catchment area. The Council's 2010 Study identifies the application site as being located in Zone 1 (which includes the Isle of Dogs and parts of Poplar) and estimates that by 2017 there will be a requirement for 2,053m<sup>2</sup> of additional convenience floorspace for this area.
- 10.37 It is considered that the applicant's needs assessment based on the 500m catchment study area is appropriate for the scale of retail floorspace proposed. The applicant identifies that at present only 37.95% of top-up food expenditure is retained in the catchment area and that additional local convenience facilities are therefore required. PBA calculated that the proposed retail store would result in the catchment area retaining 81.5% of top-up food expenditure therefore concludes that there is sufficient capacity in the study catchment area to support a second convenience store of 280m<sup>2</sup> (net) at Westferry Road. Therefore, in respect of Policy DM2 it is considered that the proposal satisfactorily justifies a need for additional local convenience facilities in the locality, and therefore the proposal could encourage more sustainable shopping patterns.

- 10.38 With regards to scale of the proposal, the applicant states that the proposal is unlikely to draw residents from other areas that would travel past an alternative equivalent or larger convenience store in order to visit the application site due to proposed size and role of the convenience store as a top-up food shopping.
- 10.39 Given the net floor area proposed, it is considered that the scale of the proposed development is suitable for its location on the edge of Westferry Road Neighbourhood Centre and the PBA review agrees that the proposal would predominantly draw trade from the local catchment area and that residents from different areas would be unlikely to travel to this store.
- 10.40 The matter of whether this need and scale of the proposal could be met within an existing centre is assessed through the sequential assessment.
- 10.41 *The Sequential Test*
- 10.42 The applicant has explained that the 280m<sup>2</sup> is the maximum net sales area which would be attractive to any local convenience operator and therefore the assessment has been limited to sites that could accommodate a store of at least approximately 400m<sup>2</sup> gross to provide for sufficient back of house space. In addition the search for sequential sites is based on the 500m catchment area of the proposed store since it is intended to meet local needs for top-up food shopping around Westferry Road. Westferry Road Neighbourhood Centre is the only defined centre located within the 500m catchment.
- 10.43 The applicant's sequential assessment of Westferry Road Neighbourhood Centre, concludes that there are no sequential sites in the centre which are either suitable or available to accommodate the proposed retail unit.
- 10.44 This centre contains five units which were all occupied at the time at the time of writing, and therefore it was considered that the application site to be the most preferable sequential site that is within the edge of town centre location (i.e. within 300m from the nearest town centre). The sequential assessment concludes that the application site is the most preferable site and would contribute to the mix of units in the centre and therefore assist in creating a vibrant centre in line with Policy SP01.
- 10.45 The PBA review also concluded that the applicant's sequential test has been met for the site and the application site represents the most preferable location. With regards to MDD Policy DM2, officers agree with the PBA's conclusion that the sequential test has proved that the identified need cannot be met within an existing town centre.
- 10.46 Impact
- 10.47 As mentioned above, an impact assessment is required by the NPPF for main town centre use development outside of town centres if the floorspace is over a proportionate locally set threshold of 100m<sup>2</sup>. The two criteria set out in the NPPF for an impact assessment are the impact on investment and the impact on vitality and viability in relation to designated centres in the surrounding area of the proposal. If it is found that there will be a significant adverse impact on one or both of these then the application should be refused.
- 10.48 In terms of investment, the applicant's RS concludes that the proposals will not

have an adverse impact on the WRN centre or any other surrounding centres as there have not been any identified potential investment at Westferry Road or any other surrounding centre.

- 10.49 In terms of the impact on the vitality and viability of centres in the surrounding area the applicant states that the proposed food store will be sufficient to meet daily top-up food shopping needs for residents and supplement the existing convenience units in the local area.
- 10.50 In addition it is has been considered that the trade draw from larger stores within nearby larger centres (such as ASDA and Waitrose) would be minor meaning that the proposal would not have a significantly adverse impact on the Crossharbour and Canary Wharf designated centres.
- 10.51 The West Quays News store which has 88m<sup>2</sup> of floor space, located on 317-373 Westferry Road is the only convenience store located in the Westferry Road Neighbourhood Centre and hence is the only store afforded protection under the NPPF. The level of trade diversion from this store is assumed to be low because it only stocks a limited range of essential convenience items and would therefore sell a limited number of overlapping product ranges compared with the proposed store.
- 10.52 The PBA review considers that rather than trade being diverted from the larger food stores in Crossharbour and Canary Wharf, this same amount of trade would be diverted from a much wider range of convenience stores across Zone1 as the application store is for convenience and top up shopping, so it would not only be taking trade from large stores associated with main weekly food shops. Locally, the PBA review agrees that no more than 20% of trade would be diverted from existing local convenience shops. Taking into account the limited convenience offer at present it is considered that there would only be a partial amount of overlapping product ranges with the existing stores.
- 10.53 Overall it is considered that the estimated turnover of the store and that the level of trade diverted from existing stores will not have a significant adverse impact on any designated centres in the surrounding area and this view was also concluded in the PBA review.
- 10.54 In conclusion, a robust justification for the proposed retail unit against the relevant policy tests have been provided and assessed. The sequential and impact tests of the NPPF have been satisfied. In line with policy DM2 of the MDD it has been established that there is a local need that cannot be met within a town centre and that the retail unit is of an appropriate scale within the edge of town centre location. Rather than encouraging a concentration of uses that would undermine the viability the WRN centre, the retail unit as well as the flexible unit proposed, which will be looked at in the following section, is considered to support the vitality and growth of the nearby WRN centre. The amenity and character requirements of policy DM2c if the MDD are assessed in the *Amenity/Environmental Health and Design & Conservation* sections respectively.
- 10.55 **Provision of Flexible A2, A3, A4, B1(a), D1 and D2 Unit.**
- 10.56 In addition to the to the retail unit proposed at ground floor, another unit is proposed which would provide a range of flexible uses (A2/A3/A4/B1a/D1/D2).
- 10.57 The report will now turn to the acceptability of this unit assessing it against the

relevant policies.

- 10.58 The relevant areas of policy and guidance to the provision of a unit with this range of possible uses are considered to be policy SP01 of the CS, policies DM1 and DM8 of the MDD and Section 2 and some relevant definitions in the glossary of the NPPF and the NPPG. These are presented below.
- 10.59 As set out earlier in the report Policy SP01 of the CS sets out the town centre hierarchy and seeks to promote development that is consistent with the scale and role of town centres.
- 10.60 Part 2c of SP01 seeks to encourage evening and night time economy uses that contribute to the vibrancy, inclusiveness and economic vitality of our town centre hierarchy. Provided that they are:
- Not over-concentrated in areas where they will have a detrimental impact on local people;
  - Of a balanced provision to cater for varied needs; and
  - Complementary to existing uses and activities.
- 10.61 Part 3 of policy DM1 of the MDD states that the vitality and viability of the borough's major, district and neighbourhood centres will be promoted by:
- a) protecting A1 uses as a priority
  - b) ensuring development does not result in the overconcentration of non-A1 uses; and
  - c) supporting development that strengthens the mix and diversity of town centre uses (including employment and social/community uses)
- 10.62 Part 4 of MDD policy DM1 seeks to further support the vitality and viability of town centres by directing restaurants, public houses and hot food takeaways (Use Classes A3, A4 and A5) to designated town centres provided that:
- a. they do not result in an overconcentration of such uses; and
  - b. in all town centres there are at least two non-A3, A4 and A5 units between every new A3, A4 and A5 unit.
- 10.63 Part 4 of the MDD policy DM8 seeks to locate new health, leisure and social and community facilities in or at the edge of town centres. The provision of new health, leisure and social and community facilities or extensions to existing facilities located out of centre will only be supported where they are local in nature and scale and where a local need can be demonstrated.
- 10.64 *Provision of B1*
- 10.65 As part of the flexible range of uses Office (Use Class B1a) is considered acceptable as it would be re-provision on the site. This smaller unit would provide a more manageable sized office unit that at 275m<sup>2</sup> which would be just above the 250m<sup>2</sup> advised in policy DM15 of the MDD for a Small Medium Enterprises (SMEs) units. The proposed smaller office use would be more complementary to the current market.
- 10.66 The 6 office units to the rear of the building would all be below 100m<sup>2</sup>, the other size advised as appropriate to meet the needs for SMEs in policy DM15 of the MDD.
- 10.67 The Marketing report submitted suggests the mix of smaller office units will better meet the demand of the local area which would promote SME uses.

10.68 *Provision of A2/A3/A4*

10.69 In this edge of centre location it is considered that the use of the site for financial or professional services (Use Class A2) restaurant or café (Use Class A3) or drinking establishment (Use Class A4) would contribute to the vibrancy, inclusiveness and economic vitality of the nearby WRN centre. There are currently two hot food takeaways at the edge of this Centre, it is considered that the use of the unit for either A3 or A4 would provide a complimentary use that would not result in an overconcentration of these A3/A4/A5 detrimental to local people. In relation to these uses, the proposal therefore complies with policy SP01 of the CS and policy DM1 of the MDD.

10.70 *Provision of D1/D2*

10.71 Policy DM8 of the MDD states that new health, leisure and social and community facilities (D1/D2) should be located in or at the edge of town centres. The site is appropriately accessible for these uses at an edge of centre location and as such these uses would contribute to the vitality and viability of the WRN centre. It is considered that the size of the unit used for D1/D2 would mean the unit would predominantly serve the local area. These uses would assist in delivering a sustainable, healthy and liveable local neighbourhood complying with policy DM8 of the MDD.

10.72 For the above reasons it is considered that the principle of the proposed change of use is acceptable. The proposal complies with policies SP01 and SP03 of the CS, policies DM1, DM2 and DM15 of the MDD, policy 4.7 of the London Plan, the NPPF and NPPG.

## **11. Design and Heritage Impact**

11.1 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.

11.2 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site.

11.3 Policy SP10 of the CS and DM23 and DM24 of the MDD, seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their environments.

11.4 As the Forge is Grade II listed and within the Chapel House Conservation Area, additional policies relating to heritage matters are also relevant.

11.5 Section 12 of the NPPF provides specific guidance on 'Conserving and Enhancing the Historic Environment'. Para. 131 specifically requires that in determining planning applications, local planning authorities should take account of:

11.6 *"desirability of sustaining and enhancing the significance of heritage*



*assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness.”*

- 11.7 Parts 1-3 of strategic policy SP10 of the CS provide guidance regarding the historic environment and states at part 2 of the policy that the borough will protect and enhance heritage assets and their setting. Policy requires that proposals protect or enhance the boroughs heritage assets, their setting and their significance.
- 11.8 Policy DM27 part 2 of the MDD provides criteria for the assessment of applications which affect heritage assets. Firstly, applications should seek to ensure they do not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting. Part (c) also applies given it seeks to enhance or better reveals the significance of the asset or its setting.
- 11.9 *The Forge*
- 11.10 The Forge is a Grade II listed warehouse building due it being the last remaining mid-19<sup>th</sup> century iron shipbuilder’s forge in London, outside the royal dockyards. It provides evidence of the iron manufacturing process and heavy Thameside industry that historically sustained the local community.
- 11.11 It has a relatively simple, industrial architectural style. It is predominantly of stock brick construction with a double pitched roof running perpendicular to Westferry Road.
- 11.12 As part of its restoration within the past decade there have been numerous alterations. On the Westferry Road elevation, large windows have been sensitively been installed in what were originally blind recesses. There are also new entrances at the southern corner on the side elevation and northern corner on the rear elevation. There is glass curtain walling towards the western corner on the side elevation, a new concrete floor has been laid and the roof is also new.
- 11.13 The internal structure forms a single space of 1,178m<sup>2</sup>. There is a sense of the space being divided into two halves by the central valley of the two roof pitches and a tall central cast iron colonnade that supports the roof. Both sides of the building have historic gantries with cranes that run the length of the building. The gantry and support structure is timber in the south eastern half of the building. On the northern western elevation there are the remains of 8 chimney breasts. The building has an open industrial character. The special historic and architectural interest is enhanced by the original features that allude to the building’s past heavy industrial use.
- 11.14 *Intention of Proposal*
- 11.15 The building has been vacant since 2007. As outlined in the *Land Use* section it has been actively marketed over this time but has attracted little interest due to its large size. The intention of this application is to use part of the ground floor space for a convenience retail store and it is considered that the smaller flexible unit and 6 offices for the remainder of the building will provide more attractive spaces for potential tenants. In this way it is held that the Forge would find an active modern and sustainable use that ensures the conservation of the building going forward.

#### 11.16 *Proposed Alterations*

11.17 In order to provide smaller, more useable units, the applicant has worked alongside the Council Conservation team to find a sensitive way of subdividing the space while maintaining the sense of space and allowing an appreciation of the special historic and architectural features. To convert the building so that it can function for the uses applied for in this application a number of internal and external changes are proposed.

#### 11.18 External Elevations:

- New entrance on the south western corner on the flank of the building
- Existing wall, pier and gate at south western corner to be relocated to allow access to new entrance to retail unit.
- Existing wall, pier and gate at southern corner to be demolished to allow open access to flexible unit.
- Entrance created in curtain wall towards north eastern corner on the flank of the building to allow access to office units
- Installation of platform for plant equipment on the roof

11.19 The proposed new entrance to the side elevation was a suggestion made by the Council's Conservation officer at pre-application stage. It is considered that the gantry's structural supports would be sensitively adapted so as to have as little impact as possible. This alteration to the fabric of the original building would be less noticeable on the side of the building and would be similarly located to the existing entrance on the opposing side.

11.20 The proposed relocation (SW corner) or demolition (S corner) of the brick piers and metal fencing on the respective sides of the front elevation would not have an adverse impact on the character of the building given that they are not original features. If anything these changes would better reveal the Forge building as this security fencing would be slightly less prominent.

11.21 The proposed entrance to be created in the centre of glass curtain walling towards the north eastern corner on the flank elevation would not materially affect the building. The double doors would also be constructed of glass are considered to be a very minor alteration to a recent addition to the building.

11.22 The addition of a platform for plant equipment on the roof is considered to be sensitively and discreetly located towards the rear of the building within the valley of the recently constructed roof structure and will utilise an existing roof light opening as a means of access. The platform would have screening to obscure views of plant equipment. In the proposed location it is considered that the platform would not be readily visible.

11.23 For the above reason it is considered that the external changes proposed would preserve the simple industrial aesthetic of the building. The site is located within the Chapel House Conservation Area, the minor external alterations proposed would also be considered to preserve the wider character and appearance of the conservation area.

#### 11.24 Internal Alterations:

- The sub-division of the premises into five separate units at ground floor
- The installation of a first floor mezzanine to the rear of the warehouse to create three separate units.

- 11.25 Approximately, the front three-quarters of the north western half of the ground floor would be for the retail use and there would be a self-contained office and bin store to the rear of this unit. Just over half of the front of south eastern half of the ground floor would be for the flexible unit and there would be two self-contained offices to the rear of this unit.
- 11.26 The first floor mezzanine would be installed in line with the beginning of the back of house area on the north western half and the two office units on the south southern eastern half, extending to the rear of the building. There would be a double height void courtyard between the two offices on the south eastern half and a lightwell between the office and bin store on the north western half.
- 11.27 The new entrance on the side by the south western corner would serve a small lobby area. The entrance to the retail unit would be immediately to your left and the lobby would lead in open plan to the flexible unit. The front elevation of the retail unit would be of lightweight curtain glass construction. A wall, approximately 2.2 metres high would separate the retail unit from the flexible unit along their shared side boundary. The curtain glazing of the front elevation of the retail unit would continue above the dividing wall to be affixed to the underside of the steel work at the ceiling level of the building. The central colonnade would be retained as a void space. The roof would be openly visible bar acoustic reflectors suspended from the roof to deal with sound transfer issues.
- 11.28 The intention of the above described design is to subdivide the building while seeking to preserve a sense of the volume of the building and allow appreciation of the special historic and architectural features. The central iron colonnade, exposed beams, gantries and listed cranes, which would remain in situ, would all still be readily visible.
- 11.29 The Greater London Industrial Archaeology Society (GLIAS), along with a number of representations objected to the scheme in relation to the impact on the character of the Grade II listed building. It is argued that the subdivision would be awkward and concealing, and would divide one of the last undivided heavy engineering workshops in London. It is held that the transparent materials, by virtue of their reflections, shadings and solid support will fundamentally alter how the building is viewed and that the rear offices, built up to 1<sup>st</sup> floor level will reduce the length of the interior and crowd the arcade.
- 11.30 It is suggested the walls of the offices will restrict views of the crane infrastructure, that the shelves to be used by the retail occupier will further make it difficult to see building's special features from within the retail unit. It is also held that the proposal does not take into account the inevitable additional facilities that that will be needed in the flexible unit which is dependent on as yet unidentified future occupiers. These features would further obscure the buildings valuable features.
- 11.31 The subdivision and associated furniture and facilities of the occupiers would, it is argued, destroy the spatial quality of the presently voluminous space and would make it harder for one to see how the building was laid out originally and how it operated.
- 11.32 Undoubtedly the ability to appreciate the space as a whole, to see the historic features and how they functioned will be reduced by the proposed subdivision and mezzanine level. It should be noted that the existing emptiness of the building is not how it would have been in the past. It would have once been filled with

industrial machinery and workers actively using the building. Despite the building being much fuller in the past it would always have been open and experienced as a whole. The proposed subdivision would somewhat obscure historic features of the building as a whole. However, the measures taken in the subdivision including the open lobby area, maintaining two large units at the front that are open at ceiling level and the lightweight glazed curtain walling between these units will, it is considered that, allowing a satisfactory appreciation of the original volume and spatial qualities of the building is acceptable. In addition to this the historical features and fabric will be maintained in situ and be able to be clearly viewed from certain parts of the building. As such, the conservation and design Officer considered that the proposals represent less than substantial harm to the listed building. This is further supported by the virtue of bringing back uses within a historic building which otherwise be left vacant, as it has been since 2007. Subject to relevant conditions with regard to further details including the glazed screen, details of the new structural opening to accommodate the proposed new entrance and details of fixings with regard to heating and ventilating equipment, the proposed alterations to the Listed Building is acceptable in this instance.

- 11.33 In accordance with the NPPF where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 11.34 As above mentioned the building has been vacant for over 7 years. The proposal would bring back section of the ground floor into active retail use immediately and provide smaller, more attractive units for future tenants of the rest of the building. It is considered that the proposed subdivision is the most likely way the building will secure long term viable use which will also ensure the future conservation of the building. The building is currently closed off from the community. In addition to the above benefit of the scheme, the interior of the building would be able to be seen by customers of the two front ground floor units and any interested member of the public. It is considered that the character of the listed building would be broadly maintained and the less than substantial harm that the subdivision would cause would be outweighed by these public benefits.
- 11.35 As such, subject to conditions the proposed works are considered to preserve the special character and appearance of the Grade II listed building and the Chapel House Conservation Area, in accordance with policy SP10 of the adopted CS, policy DM27 of the MDD and the NPPF which seeks to bring heritage assets back into use and ensure any harm is weighed against the benefits of the work.

## **12. Amenity/Environmental Health Impacts**

- 12.1 Policy SP10 of the CS and policy DM25 of the MDD seek to protect residential amenity.
- 12.2 The Forge is located centrally within a residential development know as Forge Square. The proposed development has a number of ways it could potentially impact on the amenity of these residents. This is discussed further within this section of the report.
- 12.3 Noise and Vibration
- 12.4 A number of representations raised concern regarding the potential noise impact of the development with increased noise possibly arising from the movement of

bins/cages, the plant extraction system and deliveries.

- 12.5 The applicant submitted an Environmental Noise Assessment by Sharps Redmore (ENA) in support of their application. This assessed the noise impact of deliveries to the proposed retail unit and proposed external fixed plant associated with the proposed retail unit.
- 12.6 The ENA concluded that the development could receive deliveries, without associated noise giving rise to significant adverse impacts during the following hours:
- 12.7 Main Deliveries: 08.00 to 18.00 hours Monday to Friday  
09.00 to 13.00 hours Weekends and Bank Holidays
- 12.8 Newspaper Deliveries: From 05.00 daily.
- 12.9 The ENA also concluded that noise from the external fixed plant would be at most 10dB below the existing background noise climate.
- 12.10 The Council's Environmental Health (EH) team reviewed the ENA and requested additional information on the raw data and the Calibration Certificate for the noise monitoring in the ENA. After reviewing the ENA and additional information the Environmental Health team accepted that their ENA offers mitigation to meet the requirements of the latest LBTH noise standards in relation to background noise levels. The delivery hours stated in the *Servicing* section below would be more restrictive than these hours resulting in even less noise disturbance for residents. For the above reasons the proposal is considered to comply with policy DM25 of the MDD and policies SP03 and SP10 of the CS which seeks to limit unacceptable levels of noise.
- 12.11 Smell/Pollution
- 12.12 In order to safeguard amenity impacts from uses of the flexible unit that may produce odours/smells as a by-product, should permission be granted, a condition would be imposed to ensure that any future extractor/mechanical units, associated with the use of the flexible unit as a restaurant/café/drinking establishment, provide odour/smell nuisance mitigation measures to minimise any harm to neighbouring amenity.
- 12.13 Some representations raised concerns about the development causing increased air pollution. As explained in the Highways Impacts section, the size of the units in addition to the lack of car parking provision would mean the units would have a local catchment that would predominantly be accessed on foot and public transport. The deliveries to the units would also not be considered to increase air pollution by a significant amount.
- 12.14 For the above reasons the proposal is considered to comply with policy DM25 of the MDD and policies SP03 and SP10 of the CS which seeks to limit unacceptable levels of odours and air pollution.
- 12.15 Hours of Operation
- 12.16 The Planning Statement submitted in support of the application specifies the hours of operation for the proposed building as whole to be 06.00 to 23.00 hours daily. Due to the proximity of the Forge to the residential Forge Square

development that surrounds it is considered prudent to further restrict the hours of operation in order to satisfactorily preserve the amenity of neighbouring residents. The hours of operation would be restricted by condition to between 07.00 and 22.00 hours daily in order to safeguard residential amenity in line with policy DM25 of the MDD and policy SP10 of the CS.

#### 12.17 Security

12.18 It is not considered that the proposed uses for the Forge would have any particular impact on crime or anti-social behaviour. Several representations mentioned an increase in nuisance or loss of security caused by workers of the Forge using the grounds of the gated Forge Square development. Whilst planning system can control the use of the land, cannot control the behaviour of the users of the building/land. Nevertheless, to minimise any impact to the existing residents, a condition requiring a Site Management Plan which outlines how the store would cater for their employees and how it intends to operate in a neighbourly manner; and would be required to be submitted and approved. In this respect the proposal would be considered to comply with policy DM25 of the MDD and policy SP10 of the CS.

### 13. Highways Impacts

13.1 The applicant provided a Transport Statement (TS) and Servicing Management Plan (SMP) in support of their application.

13.2 In terms of the transport impact of the development the TS concludes that the expected trip generation potential is not considered to be significant. The level of activity expected would not have any material impact on the footway, bus services or the DLR and the new servicing arrangements will not have an unacceptable impact on the operation of Westferry Road or existing on-street parking provision. The Council's Highways team support these conclusions.

#### 13.3 Servicing

13.4 The servicing arrangements of the previous similar proposal (PA/13/01642) were part of the reason for its refusal stating that the development would:

13.5 *“adversely impact on the amenity of local residents by virtue of the excessive servicing needs within a narrow route within the Forge Development”*

13.6 The applicant has submitted a Servicing Management Plan (SMP) in support of their application. This details a new servicing strategy from Westferry Road rather than at the rear from within the Forge Square development.

13.7 Working with the Council's parking team it has been agreed to provide a loading bay of just over 14 metres on the northern side of Westferry Road broadly in line with the proposed retail unit.

13.8 The SMP has calculated that the retail unit would require approximately 3 deliveries by rigid goods vehicles per day between Monday and Friday. The loading bay is proposed to operate for reduced hours on Saturdays and for there to be no deliveries on Sundays. Deliveries would be co-ordinated so that none arrived at the same time and HGV engines and refrigerators would be switched off during delivery times. The rigid goods vehicles used would be approximately 8

metres in length, designed for servicing smaller shops in residential areas.

- 13.9 The movement of goods to the retail unit would be by cage. As it is considered that the retail unit would receive the most deliveries over the flexible unit and offices the loading bay location has been chosen to reduce the distance the cages would have to travel to offload at the retail unit mitigating the noise and footway disruption associated with deliveries.
- 13.10 The Council Highways team sought clarification as to where cages would be stored for the retail unit so that they do not obstruct the footway. The applicant stated that cages would be kept in the back of house area and then pulled through the store to the lorry when it has been emptied of goods being delivered. A condition to secure a Site Management Plan shall require details of the cages to be stored in the back of house area of the retail unit and not along the front of the Store, or where it is highly visible from and/or on the public highway.
- 13.11 The SMP states that the flexible unit and office units would be serviced in line with the retail unit although it is expected that the uses applied for at this unit would require less servicing and the requirement for only transit type delivery vehicles. In any case before the occupation of the flexible unit, a use-specific SMP will be required to be submitted and approved by the LPA. Deliveries for these units would need to co-ordinate with the retail unit so that deliveries were not undertaken at the same time.
- 13.12 A number of representations raised concerns with regards potential risks to safety posed by deliveries being undertaken near to the Harbinger Primary School, to the north of sites. To reduce this risk it is proposed to further restrict the delivery hours so that they do not conflict with school pick-up and drop-off times. This would also mitigate against noise and traffic disruption from servicing. It is therefore considered that, should permission be granted, main deliveries times, other than newspaper deliveries, should be restricted by condition to between
- 13.13 Main Deliveries: 09.30 and 15.00 Monday to Friday,  
09.00 and 13.00 on Saturdays  
No deliveries on Sundays.
- 13.14 Newspaper deliveries: from 05.00 daily as the noise impact was found to be acceptable and these early deliveries would not conflict with school pick-up drop-off times.
- 13.15 The proposed on-street servicing arrangement and restrictions which would be imposed by condition are considered satisfactory in that they would ensure that there was no undue adverse impact on the amenity or safety of neighbouring residents. This is considered a significant improvement to the previously proposed servicing arrangement (PA/13/01642) from the rear of the Forge which formed part of the reason for refusal of that application. As such, the proposed development complies with policy SP10 of the CS and policies DM2 and DM25 of the MDD, which seek to suitably locate retail uses and preserve residential amenity.
- 13.16 Car Parking/Loading Bay
- 13.17 No additional car parking is proposed within the development and this is supported. It is expected that the proposed retail unit and flexible use unit would draw the majority of their customers from a catchment of roughly 500m around the

site. As such the dominant means of getting to and from the site would be via non-car means.

- 13.18 In order to accommodate the loading bay on the northern side of Westferry Road without obstructing traffic it is proposed to relocate the parking bay on the opposite side of the Forge and to incorporate the loading bay within it. In this way two parking spaces would be lost to accommodate the bay but these would be reprovided on the southern end of Harbinger Road so there would be no net loss of on street car parking, which is acceptable to the Council Highways team.
- 13.19 Best practice guidance seeks to provide drivers with an unobstructed view to the rear of any speed camera. Because of this, it will be necessary to relocate the existing camera at the southern end of the Forge site further along Westferry Road in order to relocate the parking bay. TfL has responsibility for all speed cameras in London and has worked with applicant. TfL had no objections to the scheme and the applicant states that they are happy with the relocation in part on the basis that the camera's proposed location is preferred to its' existing.
- 13.20 In order to relocate the speed camera, the existing southbound bus shelter located to the south of The Forge site would need to be shifted a little further to the north. Again the applicant has worked with TfL and London Buses and state that they are satisfied with the shifting of the bus shelter. Subject to appropriate costs borne by the applicant to relocate the on-street parking spaces, bus shelter, and speed camera the relocation can be agreed in principle. Appropriately worded condition will ensure that the occupation of the uses cannot take place until the on-street parking spaces, the bus shelter and the camera are successfully relocated.
- 13.21 For the above reasons the proposal is considered to comply with DM22 of the MDD.
- 13.22 Cycle Parking
- 13.23 The applicant has provided cycle provision in excess of the minimum policy requirements for the development which is welcomed. Details of this would be secured by condition. For this reason the proposal is considered to comply with DM22 of the MDD.
- 13.24 Refuse
- 13.25 The applicant states in their Planning Statement that refuse and recycling will be removed, where possible, by the respective use's servicing vehicles. Initially the applicant stated that any refuse and recycling that is not removed in this way would be stored in the The Forge Square development's shared bin store accessed from Harbinger Road. Following consultation with a Council Waste Officer the applicant was informed that commercial and residential waste cannot be stored in the same bin store and subsequently provided an amended site plan that indicated an appropriate commercial only bin store at the northern corner of the building which could accommodate an ample 15 x 240 litre bins. This would be removed by an agreed contractor via the Harbinger Road entrance.
- 13.26 This bin store would serve the rear office units and the flexible unit but not the retail unit. The retail unit would have its own bin store in its back of house area which would be emptied by their own delivery vehicles.



13.27 Following receiving clarification on the proposed waste arrangements the Council Waste Officer had no objections to the proposal. It is therefore considered that the proposal complies with policy DM14 of the MDD.

#### **14. Access**

14.1 In terms of accessibility the applicant stated that the ground floor (retail/commercial and office space) would be fully accessible to all and has a level threshold (with appropriately designed ramps that accord with DDA compliance) and wide and bi-parting doors to the front either side of the building and internally into the retail unit to allow the delivery of goods and accessibility for customers. The office space at ground floor is also accessible to all.

14.2 The offices at 1<sup>st</sup> floor would not have a lift access due to the design and layout of the building as well as the constraints of the building due to it being a Grade II listed building.

14.3 This was assessed by a Council Access officer and was deemed to be acceptable. It is therefore considered that the proposal complies with policy SP02 of the CS.

#### **15.1 Flood Risk**

15.2 The site is located within Flood Zone 3, at risk of flooding from the tidal River Thames. The Environment Agency (EA) have been consulted with regards to the application. The SFRA confirms that the site is defended to a 1 in 1000 year standard by the River Thames tidal defences and as such the EA have no objection to the application in this instance.

15.3 As this is a change of use and no alterations are proposed, it is considered that any incidence of flooding will be no greater than the existing situation for all the units within this locality. The proposal would not result in any significant increase in the incidence of flooding for future occupiers, which accords with policy SP04 of the Core Strategy (2010).

#### **16. Human Rights Considerations**

16.1 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:

16.2 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:-

16.3           ○ 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;

16.4           ○ 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".

- 16.5 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.
- 16.6 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.
- 16.7 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.
- 16.8 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.

## **17. Equalities Act Considerations**

- 17.1 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:
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 foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **18. CONCLUSION.**

- 18.1 The proposed change of use would be appropriate in land use terms and the associated alterations would amount to less than substantial harm to the listed building that would be outweighed by the public benefit. It would not have an adverse impact on the highways network and the new servicing arrangements would be acceptable in terms of their amenity impacts.
- 18.2 All other relevant policies and considerations have been taken into account. Planning permission and Listed Building Consent should be GRANTED for the

reasons set out in the EXECUTIVE SUMMARY and MATERIAL PLANNING CONSIDERATIONS sections and the details of the decision are set out in the RECOMMENDATION at the beginning of this report



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address	0	20 m
Consultation Area	Statutory Listed Buildings	OSLine		

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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<b>Agenda Item number:</b>	6.4
<b>Reference number:</b>	PA/14/02753 and PA/14/02754
<b>Location:</b>	The Forge, 397 & 411 Westferry Road, London, E14 3AE
<b>Proposal:</b>	Change of use of part of The Forge from office (Use Class B1) to convenience retail food store (Use Class A1) with gross internal floor area of 394 sq m and net sales area (gross internal) of 277 sq m; and change of use of the remainder of The Forge (Use Class B1) to interchangeable uses for either or financial and professional services, restaurants and cafes, drinking establishments, business, non-residential institutions (nursery, clinic, art gallery, or museum), or assembly and leisure (gym), namely change of use to uses classes A2, A3, A4, B1(a), D1 and D2; with 297.17 sq m GFA of new floor space created at 1st floor level for business (Use Class B1(a)) and internal and external changes and maintenance to The Forge to facilitate the change of use to retail convenience store including new customer access to the north elevation, internal partitions, works to the roof to facilitate new plant equipment and satellite dish; making good to walls (internal and external), maintenance to internal cranes and general building maintenance; Demolition of external walls to facilitate access to The Forge and rebuilding of one wall, repositioning of lighting column, and cycle parking.

## 1. CLARIFICATION

- 1.1 Paragraph 13.14 should have specify an end time for newspaper deliveries to 08.00 daily so that it does not conflict with school drop-off times.

## 2. REPRESENTATIONS

- 2.1 Eight more letters of objection were received since the publication of report raising issues already covered in the main report.
- 2.2 One of these letters from GLIAS raises points not previously mentioned in the report. They maintain their objection but would like to see a number of changes to minimise harm should the application be granted, including:

- Reduced office space

(Officer comment: officers consider the proposal which has been submitted and in consultation with the Council's Conservation and Heritage Officer was found to be acceptable on balance.

- Extra room needed for toilets, kitchens and other facilities to make the flexible unit viable without further cutting views of outstanding features and the feeling of space generally.

(Officer comment: once tenants are identified for the proposed units a separate listed building consent(s) will be required for any further alterations that are part of this proposal).

- Page 10 of the Design and Access Statement portrays the flexible space as twice as long as it would be so is misleading

(Officer comment: page 10 provides visual indication of the proposed space and officers have not relied on this information, rather, have considered the detailed plans which would form a part of the approval.)

- Move longitudinal dividing wall slightly further from the arcade

(Officer comment: the applicant is happy with this suggested minor alteration and the details can be secured through a condition)

### **3. POLICY UPDATE**

- 3.1 On 10 March 2015 the Mayor published the Further Alterations to the London Plan (FALP). From this date the FALP are operative as formal alterations to the London Plan (the Mayor's spatial development strategy) and form part of the development plan for London.
- 3.2 Accordingly, the London Plan, 2011 is now referred to as the London Plan consolidated with alterations since 2011 (March 2015).
- 3.3 The relevant policies as set out in section 7 of the original report remain relevant, and due consideration has been given to the further alterations. The conclusions of the report remain as originally set out, and the proposed development is considered to be in general accordance with the London Plan, as consolidated.

### **4. ADDITIONAL CONDITIONS**

- 4.1 In paragraph 3.2, include additional conditions to the Full Planning and Listed Building Consent to secure further details of the move longitudinal dividing wall slightly, as suggested by GLIAS.
- 1.2 Include additional condition to restrict any potential future permitted change of use from flexible unit (A2, A3, A4 and/or A5) to A1.

### **4. RECOMMENDATION**

- 4.1 The Officer' recommendation remains as set out in paragraph 12.1 of the Committee Report.

# Agenda Item 5.2

Development Committee	<b>Date:</b> 16June 2015	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Corporate Director of Development and Renewal	<b>Title:</b> Planning Application
<b>Case Officer:</b> Gerard McCormack	<b>Ref No:</b> PA/15/00095
	<b>Ward:</b> Bow West

## 1. APPLICATION DETAILS

<b>Location:</b>	418 Roman Road, London, E3 5LU
<b>Existing Use:</b>	Retail use (Use Class A1) at ground floor level and residential above at first floor
<b>Proposal:</b>	a) Creation of a ground floor studio flat at the rear of the property within an extended single storey rear extension b) New shop front c) Extension of the basement d) Erection of a mansard roof extension
<b>Drawing and documents:</b>	507/1, 507/2, 507/3 and 507/4, Design and access statement and impact statement
<b>Applicant:</b>	Mr Imran Darr
<b>Ownership:</b>	Mr Robert Webster
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	Medway Conservation Area

## 2. BACKGROUND

- 2.1 The Development Committee considered the application at 418 Roman Road, as described above, at the meeting on 14 May 2015. The officer recommendation was to grant planning permission (see Appendix).
- 2.2 The Committee resolved not to accept the officer recommendation and indicated they were minded to **REFUSE** planning permission on the basis that the proposed development would undermine the viability of the retail unit and therefore impact on the vitality and viability of Roman Road town centre. The Committee did not object to other aspects of the proposed development.
- 2.3 In accordance with Development Procedural Rules, the application was **DEFERRED** to the next committee to enable officers to prepare a deferral report to provide wording for reasons for refusal and providing commentary on the detailed reasons for refusal on the application.

### 3. THE COMMITTEE'S PROPOSED REASONS FOR REFUSAL

#### Reduction in retail floor space

3.1 The original report explained that the proposed reduction in floor space would leave 77sqm of usable retail floor space, split across the ground floor (45.5sqm) and an extended basement area (31.5 sqm). There are no Development Plan policies or supplementary guidance that set a minimum size for viable retail floor space in Roman Road or any other town centres.

3.2 Policy DM1(7) does deal with the physical attributes of town centre development and says that:

*“Development within a town centre will be supported where it does not have an adverse impact upon the function of a town centre use. Town centre development will need to demonstrate:*

*a. adequate width and depth of floorspace has been provided for the town centre uses;*

*b. a shop front has been implemented in the first phase of development; and*

*c. appropriate servicing arrangements have been provided.*

3.3 Hence in terms of assessment against this policy the decision maker must come to a view as to whether the resulting change to the retail floor space would leave adequate width and depth of floor space for town centre uses to operate from the premises. This is a matter of fact, degree and qualitative judgement.

3.4 The original report also outlined part of the Inspector's conclusion in an appeal involving similar proposals that would reduce floor space at 569 Roman Road. For ease of reference, the Inspector's conclusion is set out below.

*“There is no direct policy conflict since a retail presence would be kept and a change in size is not precluded. Moreover, there is no commercial evidence to support the notion that a smaller unit would be less attractive to potential users. On the contrary the shop has apparently been let and the rear portion has already been sub-divided. Policy SP01 of the Core Strategy seeks to support town centres as vibrant economic hubs by, amongst other things, encouraging additional floor space. However, the implications of the proposal are so small that these general aims would not be jeopardised.”*

3.5 Officers took a similar view in this case that there is no direct policy conflict. There is no conclusive empirical evidence that the proposed development would render the shop unit unattractive to future occupiers or unviable in terms of overall quantity of floor space. Furthermore the current operator intends to continue trading from the premises.

3.6 The Committee heard from an objector who expressed concerns about the relative attractiveness of the shop unit in the long term, drawing attention not only to the reduction in the amount of floor space but also the quality of the floor space in terms of the reduction in width of the floor space, the distribution of retail floor space across ground and basement levels and no provision for convenient step free access and the likelihood that the basement would not be used for primary retailing and likely to be used mainly for storage.



- 3.7 In terms of the overall quality of floor space arising from the amended layout, the proposed plans show a 4 metre wide shop frontage with direct access from the street. The retail floor space would narrow in width to 2.7 metres, some 4 metres back from the shop front to accommodate a proposed common hallway serving the proposed rear studio flat. The floor space would then extend for a further 9 metres into the building maintaining a width of 2.7 metres. The space would be also partially sub divided by a load bearing wall with a 1 metre wide opening.
- 3.8 Whilst officers do not wish to change their original recommendation, the views of the Committee and the comments from the objectors to the application are important material considerations.
- 3.9 If the committee are minded to refuse planning permission, officers advise that this should be in relation to the overall quality of the floor space remaining taking into account the amount of floor space and the proposed physical arrangements and layout.

#### Implications of a decision to refuse planning permission

- 3.10 In the event that the Committee resolves to refuse the application, the following options could be exercised by the applicant.
- 3.11 The applicant could approach the Council for further pre-application advice on an amended proposal and thereafter submit a new application that deals with the reason for refusal.
- 3.12 The applicant could exercise their right to appeal to the Secretary of State against the Council's decisions. The appeals would be determined by an independent inspector appointed by the Secretary of State. Section 3 of this report sets out the officer assessment of the likelihood of success in defending the reason for refusal, particularly in the context of the appeal decision at 569 Roman Road. However if the Committee do resolve that the application for planning permission should be refused officers will seek to robustly defend the Council's position.

## **4. RECOMMENDATION**

- 4.1 Officers' do not wish to change their original recommendation as set out in the report to Development Committee on 14 May 2015 to grant planning permission.
- 4.2 However, if Members are minded to refuse planning permission then the following reason is recommended:

The proposed development would result in poor quality retail floor space in terms of overall layout, the reduction in the width for the majority of the ground floor space and the distribution of retail floor space across ground floor and basement level with no step free access. The proposals would reduce the long term attractiveness of the premises to future occupiers and the viability of the retail premises in the town centre. The proposed development would therefore conflict with policy DM1(7) of the Tower Hamlets Local Plan, Managing Development Document (2013), which requires that adequate width and depth of floor space is provided for town centre uses.

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<b>-Committee:</b> Development Committee	<b>Date:</b> 14 <sup>th</sup> May 2015	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Corporate Director of Development and Renewal	<b>Title:</b> Planning Application
<b>Case Officer:</b> Gerard McCormack	<b>Ref No:</b> PA/15/00095
	<b>Ward:</b> Bow West

## 1. APPLICATION DETAILS

<b>Location:</b>	418 Roman Road, London, E3 5LU
<b>Existing Use:</b>	Retail use (Use Class A1) at ground floor level and residential above at first floor
<b>Proposal:</b>	<ul style="list-style-type: none"> <li>a) Creation of a ground floor studio flat at the rear of the property within an extended single storey rear extension</li> <li>b) New shopfront</li> <li>c) Extension of the basement</li> <li>d) Erection of a mansard roof extension</li> </ul>
<b>Drawing and documents:</b>	507/1, 507/2, 507/3 and 507/4, Design and access statement and impact statement
<b>Applicant:</b>	Mr Imran Darr
<b>Ownership:</b>	Mr Robert Webster
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	Medway Conservation Area

## 2. EXECUTIVE SUMMARY

- 2.1 This report considers an application to extend the existing single storey rear extension, to accommodate its change of use into a residential studio flat, the increase in size of the basement for storage purposes, a mansard roof extension and alterations to the existing shop front are also proposed.
- 2.2 Officers have considered the particular circumstances of this application against the provision of the Development Plans, national, regional and local guidance and other material considerations as set out in this report, and recommend approval of planning permission.
- 2.3 The proposal makes efficient use of the application premises and provides an increase in the supply of housing. In addition, the layout and size of the proposed

residential units are acceptable and contributes towards the supply of housing within this locality.

- 2.4 The proposal will result in a reduction in the size of the retail unit but will not result in the loss of the active frontage as it currently exists or the current retail offering. As such, the proposal would not be detrimental to the viability or vitality of this part of Roman Road East District Centre, which contains a variety of retail units of different sizes, restaurant/cafe, take-way outlets.
- 2.5 The amenity impacts of the proposal would be acceptable and would not have unduly detrimental impacts on the living conditions of neighbouring residents.
- 2.6 The proposal would be acceptable with regard to highway and transport matters subject to a car free legal obligation agreement and therefore any future resident of the flats would not be entitled to a permit to park on street.
- 2.7 The extension to the single storey rear extension, mansard roof extension incorporating front and rear dormers and the conversion of the upper floor flat from a 1 bedroom unit into a two bedroom unit and alteration to the shop front, already benefit from a recent planning permission reference PA/13/02956.

### **3.0 RECOMMENDATION**

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

#### **3.3 Conditions**

- 1 Three year time limit
- 2 Development to be built in accordance with the approved plans
- 3 Details of full particulars of all new windows and the shop front to be submitted prior to development
- 4 Compliance with Lifetime Homes Standards
- 5 Provide details of the cycle store
- 6 Retention of the refuse provision in accordance with the approved drawing
- 7 Car and permit free development for the additional new residential unit
- 8 No development prior to the implementation of a programme of archaeological investigation

#### **3.4 Informative**

- CIL Liability

## **4.0 PROPOSAL AND LOCATION DETAILS**

### **Site and Surroundings**

- 4.1 The application site is a two storey building located on the southern side of Roman Road which extends at ground floor level into a large rear yard. The site comprises a ground floor retail premises with a residential flat above. The neighbouring properties benefit from mansard roof extensions and rear extensions.
- 4.3 The application site is within Roman Road East District Town Centre, which is characterised by a mixture of shops, offices (Class B1 and A2) with residential use above.
- 4.4 The application premises, although not listed, lies within Medway Conservation Area, which was designated in September 1989. Its designation highlights its historic significance and seeks to maintain its special character. The site lies within an Area of Archaeological Importance.
- 4.5 The proposal involves the following:
- Mansard roof extension to increase the size of the existing flat from one to two bedrooms
  - Extension to the ground floor rear extension and its conversion from an A1 retail unit to a self-contained studio apartment
  - Alterations to the existing shop front to allow for access to the residential flats
  - Extension of the basement to provide additional storage for the A1 retail unit

### **Relevant Planning History**

- 4.6 **PA/07/02883** - Erection of a rear extension.  
Permission granted 21st September 2007
- 4.7 **PA/13/02292** - Demolition of rear extension and rebuild single storey rear extension. Erection of a mansard roof extension including front and rear dormer windows and a second floor outrigger roof extension to convert upper floors into two residential flats (1 studio and 1x1 bed) alteration to front elevation for new access to upper floors.  
Permission refused 12th November 2013
- 4.8 **PA/13/02956** – Demolition of rear extension and rebuild single rear extension, erection of a roof extension incorporating rear and front dormers, conversion of upper flat from a 1 bedroom unit into a 2 bedroom unit and alteration to shop front.  
Permission granted 14th February 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)**

2.15: Town Centres

3.3: Increasing housing supply

3.4: Optimising housing potential

3.5: Quality and Design of Housing Developments.

6.1: Strategic Approach to Transport

6.3: Assessing effects of development on transport capacity

6.13: Parking

7.1: Building London's neighbourhoods and communities

7.4: Local Character

7.8: Heritage Assets and Archaeology

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

### **Site Designations**

Roman Road East District Town Centre

Archaeological Priority Area

SP01: Refocusing on our Town Centres

SP02: Urban living for everyone

SP03: Creating healthy and liveable neighbourhoods

SP05: Dealing with waste

SP09: Creating attractive and safe streets and spaces

SP10: Creating distinct and durable places

SP12: Delivering place making

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

DM1: Development within the Town Centre Hierarchy

DM3: Delivering homes

DM4: Housing standards and amenity space

DM22: Parking

DM23: Streets and the public realm.

DM25: Amenity

DM26: Building Heights

DM27: Heritage and the historic environment

## 5.6 **Other Relevant Documents**

The Medway Conservation Area Character Appraisal and Management Guidelines, LBTH (2007)

## **CONSULTATION RESPONSES**

- 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:

### **Internal Consultees**

#### **Highways and Transportation**

5.9 Highways have no objections in principle to the proposals subject to the applicant entering into a s106 agreement to secure a car free development. Cycle parking is in line with the LBTH MDD policy and can be secured by condition.

[Officer Comment: Conditions will be imposed to ensure that adequate cycle parking is provided for the new units being created including for a car free agreement]

#### **Neighbours Representations**

5.10 A total of 34 planning notification letters were sent to nearby properties. The application proposal was also publicised by way of a site notice and press notice. A total of 22 letters of representation were received objecting to the proposal.

#### **A summary of the objections received**

5.11 The principle of the loss of retail floor space - objectors expressed concerns about the unacceptable loss of 35% of the ground floor retail floor space including ancillary storage and servicing areas at the rear.

5.12 The reduction in retail floor space would undermine the vitality and viability of the Roman Road East District Town Centre and reduce the availability of units.

5.13 The proposal undermines the Council's Town Centre strategy

5.14 The issues raised in the objections are addressed in the material planning considerations section of this report.

## **6.0 MATERIAL PLANNING CONSIDERATIONS**

### **Background**

6.1 A planning application reference PA/13/02956 was granted on the 14<sup>th</sup> February 2014 for the demolition and rebuild of a single storey rear extension, erection of a roof extension incorporating rear and front dormers, conversion of the upper flat from a 1 bedroom unit into a 2 bedroom unit and alteration to the shop front.

6.2 This application is similar to the approved scheme, with the shop front design, mansard roof extension and rear extension all shown on the previously approved plans. The only differences between extensions previously approved and what is now applied for are the windows in the rear roof slope of the mansard being smaller, the depth of the rear extension has been increased by 80cm, and rather than having two roof lights on the rear extension only one is proposed.

6.3 Therefore given planning permission has been approved for the extensions to the property the focus of this application and report will be on the creation of a studio flat at ground floor level, reduction of retail floor area and proposed increase in size

of the basement storage area. These will be addressed in turn below under the following headings.

- Land Use
- Design and appearance
- Amenity
- Transport considerations.

### **Land Use**

- 6.4 The application proposal seeks to enlarge the existing property and make more effective use of the building, whilst adding to the borough's housing stock. A reduction in the existing retail floor space proposed to facilitate changes to the access arrangements to the upper floor flat and conversion of single storey rear extension into a studio flat. In order to mitigate for this loss of retail floor space it is proposed that the basement store would be increased by 15 square metres.

#### Loss of retail floor space

- 6.5 In respect of the principle of loss of the retail floor space within Town Centres, Paragraph 23 of the National Planning Policy Framework is concerned with maintaining the attractiveness of town centres". It states in part that local planning authorities should allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural community and residential developments required in the Town centre.
- 6.6 The above policy seeks to ensure that the overall needs of retail as well as other town centre uses are met in full and not compromised by limited site availability. It should be noted that the loss of retail in town centres is not prohibited as a principle moreover, the policy seeks to promote uses other than retail in this location and it encourages residential development on appropriate sites.
- 6.7 Policies 4.7 B (a) 'Retail and Town centre developments' and 4.8 in the London Plan advises that the scale of proposals (retail, commercial, cultural and leisure) should relate to the size, role, function of a town centre and its catchment area.
- 6.8 Policy SP01 (d) in the Council's Core Strategy seeks to promote mixed use and multi-purpose town centres with a mix of unit sizes and types (including smaller unit sizes) to assist in the creation of vibrant town centres that offer a diversity of choices, and meet the needs of communities.
- 6.9 Policy DM1 in the Managing Development Document (2013) seeks the protection of retail uses emphasizes that the vitality and viability of the borough's major, district and neighbourhood centres will be promoted by:
- A Protecting A1 uses as a priority, unless the following can be demonstrated:
- i. The loss of A1 would not undermine the town centre's position within the town centre hierarchy;
  - ii. The loss of A1 would not result in the overall level of A1 falling below 50% within the town centre;



- iii. The shop has been vacant for a period of more than 12 months and robust evidence is provided of efforts made to market the shop over that period at an appropriate rent (providing three comparable shop unit rents within the town centre) and
  - iv. The new use supports the function of the town centre.
- 6.10 The existing retail unit measures 102.72m<sup>2</sup> (including the WC and kitchen area) and it is currently used as a launderette. The proposal seeks a reduction of the existing retail floor space by 25 square metres (30% loss) which was a source of objectors' concern.
- 6.9 The applicant has confirmed the launderette will continue to operate from the premises and its ability to trade will not be affected as a result.
- 6.10 In terms of the loss of retail floor space, officers have taken account of the fact that the loss still leaves a retail unit of 77 square metres, including an increased storage area provided in the basement. Retail units of between 30-80 square metres are common along this section of Roman Road, this based on the information received from planning applications within the locality. Therefore the proposed reduction in floor space would not be detrimental to the current retail offering nor would it be detrimental to the town centre function or the vitality and viability of existing business in this locality.
- 6.11 The loss of retail floor space to accommodate residential accommodation was a consideration at a recent appeal at number 596 Roman Road for the redevelopment of the site for six flats including the partial loss of the ground floor retail unit to accommodate mobility flat (PA/11/02094 was refused by the council on 5<sup>th</sup> October 2011).
- 6.12 In assessing the appeal (reference APP/E5900/A/11/2164794) the Inspector conceded the loss of the retail floor space on the following grounds:
- "There is no direct policy conflict since a retail presence would be kept and a change in size is not precluded. Moreover, there is no commercial evidence to support the notion that a smaller unit would be less attractive to potential users. On the contrary the shop has apparently been let and the rear portion has already been sub-divided. Policy SP01 of the Core Strategy seeks to support town centres as vibrant economic hubs by, amongst other things, encouraging additional floor space. However, the implications of the proposal are so small that these general aims would not be jeopardised."*
- 6.13 Overall, the proposed reduction in retail floor space is acceptable given the launderette will continue to trade from the unit albeit reduced slightly. The proposal meets both local and national policies as well as national guidance.

Principle of residential use

- 6.15 There is a presumption in favour of housing developments as outlined within the NPPF, and in accordance with policies 3.3 and 3.4 of the London Plan), the Mayor is seeking the maximum provision of additional housing in London. Housing targets identified in policy SP02 (1) of the Core Strategy indicate that Tower Hamlets is aiming to provide 43,275 new homes between 2010 and 2025.

- 6.16 The site is considered to be an appropriate location to contribute to meeting this demand, given that residential use above retail is consistent with other properties along Roman Road. As such, there is no objection in principle to additional residential uses; however the acceptability of the use is dependent on other planning considerations as outlined in the body of this report.
- 6.17 The creation of a studio flat within the rear extension accords with Policies 3.3 and 3.4 in the London Plan (2011), 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, which in this case is to be welcomed.

### **Design**

- 6.18 The mansard roof extension has already been agreed in principle under the previous application would be similar in appearance to the ones recently constructed on the neighbouring properties numbers 420 and 416. The proposed extension preserves the butterfly roof at the rear and sits comfortably within the roof due to its proportionate scale. The reduction in size of the windows on the rear elevation compared to the previous scheme will improve its overall appearance.
- 6.19 The application seeks to increase the depth of the existing rear extension by 3.1m which is 80cm deeper than the previously approved extension. The proposed extension would project past the extension at 416 by 80cm. As the extension is of a modest height just over 2.5m it is not felt that it extending beyond the rear of 416 by 80cm will only have a minimal impact in terms of loss of outlook.
- 6.20 In relation to number 420 a rear extension of a similar depth to the one which is the subject of this application was approved in 2011. This extension is under construction and will contain a one bedroom flat. Therefore this extension will be in keeping with the prevailing character of development which is characterised by large extensions at the rear within this locality.
- 6.21 The proposed shop frontage would be the same as the one previously approved. Currently the shop front is almost completely glazed modern frontage which isn't in keeping with the historic character of appearance of the conservation area. The proposed frontage with the insertion of a door and stall riser will enhance its appearance and be more in keeping with the historic fabric of both the property and conservation area.
- 6.22 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when local planning authorities exercise their duties under the planning acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Taking into account the above assessment, officers are satisfied that the proposed development would enhance the character and appearance of the Medway Conservation Area. In terms of local plan policy, the proposal adheres to the objectives of policy DM27 which seek to enhance or better reveal the significance of properties within conservation areas.

## Housing

### Quality of accommodation

- 6.23 Table 3.3 and Policy 3.5 of the London Plan (2011) provide minimum guidance for the size of the units. The following table outlines the number of units proposed and the size expected (based on the minimum London Plan figures). These are also reproduced within Policy DM4 of the Managing Development Document.

The total floor space proposed for the proposed studio unit within the rear extension proposed is set out below in the table below

<u>Unit number</u>	<u>Type/number of people</u>	<u>Size proposed sq.m</u>	<u>Minimum size requiredsqm</u>	<u>Conform</u>
Studio	1 person	43	37	Yes

The proposed studio flat would exceed the recommended minimum space standards and it meets the requirements of policy 3.5 of the London Plan and DM4 (1) in the Managing Development Document (2013).

- 6.24 A private amenity space of 17 square metres is provided for the studio flat which is well above the 5 square metres minimum required by policy DM4.

## Transport

### Car Parking & Cycle Parking

- 6.25 The NPPF and Policies 6.1 and 6.9 of the London Plan (2011), Policy SP09 (4) of the Core Strategy (2011) and Policies DM20 and DM22 of the Managing Development document (2013) seeks to ensure development proposals promote sustainable modes of transport and accessibility, and reduce the need to travel by car.
- 6.26 The proposal does not include any on site car parking and the site has a relatively low PTAL (Public Transport Accessibility Rating). The proposal has been assessed by the Council's Highway and Transportation Team, who have raised no objection to nil parking provision and in view of this a car free development would be encouraged. It is considered that this objective can be secured by a condition to secure a permit free development by means of a s106 obligation.
- 6.27 In terms of cycle storage provision, the scheme proposes a small storage area within the rear amenity space for bicycles, which is sufficient for a unit of this size.
- 6.28 Subject to such a condition to ensure that this facility is provided prior to occupation and retained, it is considered that the proposals would accord with the above policy requirements.

### Refuse and Recyclables Storage

- 6.29 Policy SP05 in the adopted Core Strategy (2010) states developments which are likely to produce significant quantities of waste must include adequate arrangements for its collection and storage. This is further emphasised by policy DM14 of the Managing Development Document.

6.30 The refuse facility is at the rear of the studio and will be left out by the occupants as part of their normal bin collection service.

## **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 determination of a planning application, the following are particularly highlighted to Members:-

7.2 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 Conventions 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 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"

7.3 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.

7.4 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.

7.5 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.

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

7.7 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.

7.8 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.

## **8.0 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. LOCAL FINANCE CONSIDERATIONS**

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

9.1 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:

- 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.

9.2 Section 70(4) defines “local finance consideration” as:

- 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.

9.3 In this context “grants” might include New Homes Bonus.

9.4 These are material planning considerations when determining planning applications or planning appeals.

9.5 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would

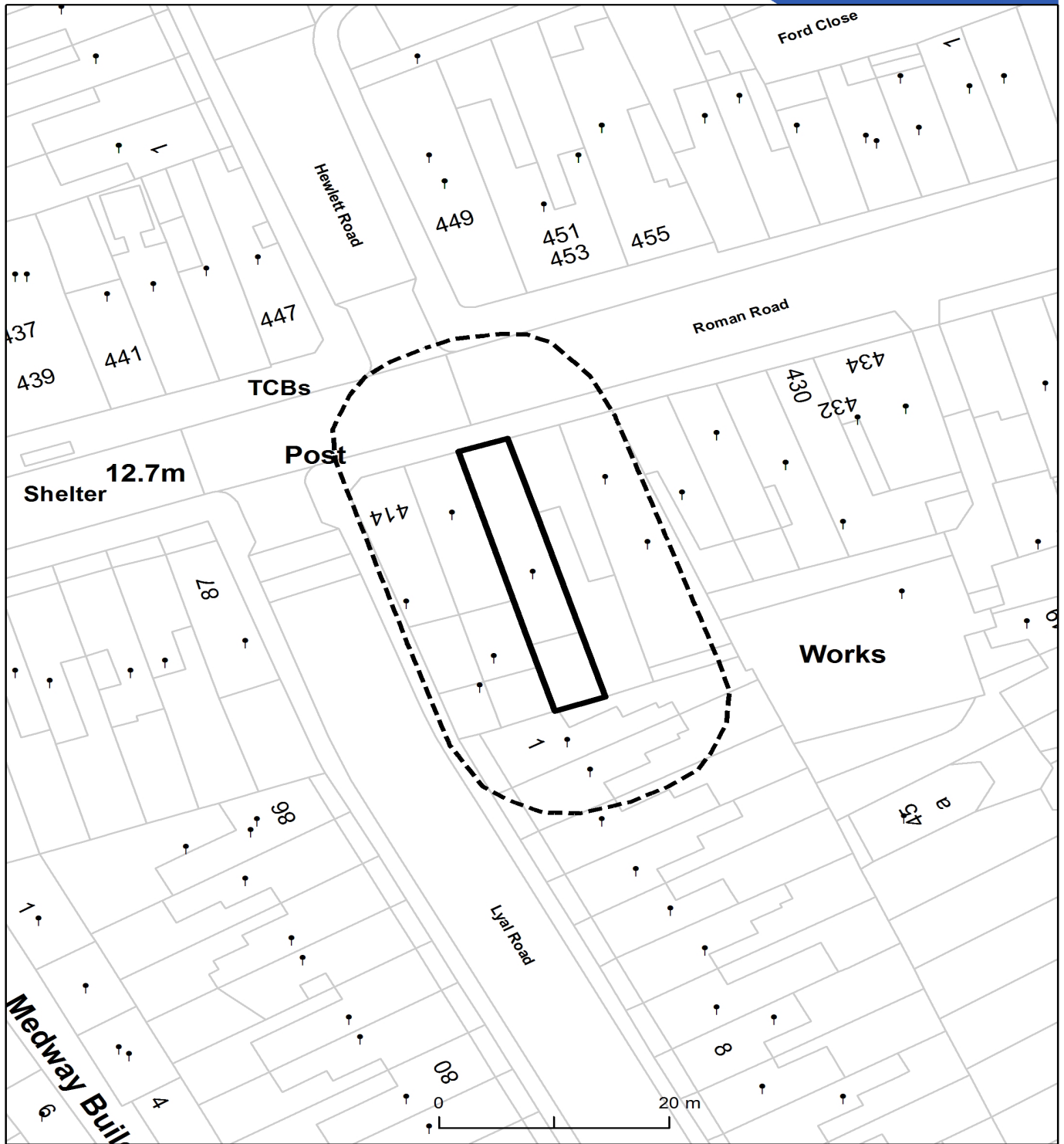
be payable on this scheme if it were approved. The approximate CIL contribution is estimated to be around £1781.70.

- 9.6 This application is also subject to the Borough's Community Infrastructure Levy, which came into force for application determined from 1<sup>st</sup> April 2015. This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Council's adopted CIL charging schedule. The estimated Borough CIL contribution for this development is approximately £2860.00.
- 9.7 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.
- 9.8 Using the DCLG's New Homes Bonus Calculator, this development, if approved, would generate in the region of £979.00 in the first year and a total payment of £5872.00 over 6 years

## 10 CONCLUSION

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

**Planning Application Site Map**  
**PA/15/00095**



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address
Consultation Area	Statutory Listed Buildings	OSLine



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.  
 © Crown copyright and database rights 2015 Ordnance Survey, London Borough of Tower Hamlets 100019288

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# Agenda Item 6

<b>Committee:</b> Development	<b>Date:</b> 16 <sup>th</sup> June 2015	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> 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.

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

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

- 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

<b>Committee:</b> Development Committee	<b>Date:</b> 16 <sup>th</sup> June 2015	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Corporate Director of Development and Renewal	<b>Title:</b> Planning Application
<b>Case Officer:</b> Esha Banwait	<b>Ref No:</b> PA/15/00117
	<b>Ward:</b> Stepney Green

## 1. APPLICATION DETAILS

**Location:** Footway Adjacent to Ansell House on Mile End Road, E1

**Existing Use:** Sui Generis

**Proposal:** Relocation of an existing Barclays Cycle Hire Docking Station comprising of a maximum of 41 docking points by 75m to the east as a consequence of the proposed Cycle Superhighway 2 Upgrade Works.

**Drawing and documents:** Drwg no. 610573 – LOC revision A – Location Plan; Drwg no. 610573 – LOC2 Revision A – Location Plan 2; Drwg. 610573 – GA Revision C – General Arrangement; Drwg no. 610573 – EX Revision A – Existing Layout; Drwg no. TDE-FW-01-PL - Standard Linear Foundation Footway; Drwg no. TDE-FW-T-PL – Standard Linear Foundation Footway; Drwg no. CHS-DP-03 Revision 3 – Docking Point Design; Drwg no. CHS\_2\_T Revision 5 – Terminal Design; Planning, Design and Access Statement (April 2015)

**Applicant:** Transport for London

**Ownership:** Transport for London

**Historic Building:** N/A

**Conservation Area:** Stepney Green Conservation Area

## 2. EXECUTIVE SUMMARY

2.1 This report considers an application for the proposed relocation of Barclays Cycle Hire Docking Station by approximately 75m to the east of its current location. This application results from Transport for London's Cycle Superhighway 2 Upgrade project and as part of this upgrade, the formation of a dedicated cycleway along Bow Road. This cycle route upgrade project has necessitated the relocation of a series of cycle hiredocking stations between Aldgate to the west and Bow Roundabout to the east.

- 2.2 This application has attracted a total of 1 written objection and 1 petition containing 39 signatories. The main concerns raised by objectors relate to amenity impacts, alternative locations and anti-social behaviour. Careful consideration has been given to these concerns, as well as other material planning considerations.
- 2.3 This application was presented at the Development Committee Meeting on 9<sup>th</sup> April 2015 where Members were minded to refuse planning permission as the proposed location was considered to have undue detrimental impacts on the amenity of Ansell House residents in terms of noise nuisance and loss of privacy. Members also expressed a preference for an alternative location. Consequently, this application was deferred for officers to report back with a drafted reason for refusal for the consideration of Members.
- 2.4 Following this meeting, the applicant submitted an amendment to the application comprising a revised arrangement of the proposed cycle hire docking station. Re-consultation with the public and relevant internal and external consultees was undertaken pursuant to the amended proposal however no further representations were received from residents.
- 2.5 Given the amendment to the proposal is considered to be substantive, and as such, in accordance with paragraph 11.1 and 11.2 of the Development Procedure Rules, the proposal is being reported back to Development Committee as a full report for decision.
- 2.6 As explained within the main report, the amended proposal is considered acceptable with relation the Development Plan.

### **3.0 RECOMMENDATION**

- 3.1 That the Committee resolve to GRANT planning permission subject to the following conditions:
- 3.2 **Conditions on planning permission**
- (a) Three year time limit
  - (b) Development to be built in accordance with the approved plans
  - (c) In the event the cycle hire docking station becomes redundant, the station shall be removed as soon as is reasonably practical and the land on which the station is sited shall be restored to its original state, or to any other condition as may be agreed in writing with the local planning authority.
  - (d) The proposed development will accord with British Standards 3998 (2010) and 5837 (2012) with excavation in close proximity to tree root protection area hand dug.
- 3.3 Any other condition(s) considered necessary by the Corporate Director for Development & Renewal.

## 4.0 PROPOSAL AND LOCATION DETAILS

### Site and Surroundings

- 4.1 The application site is on the southern footpath near the corner of Mile End Road and Sidney Street, outside Ansell House. Ansell House is a six storey residential building that is reasonably setback from the front property boundary. Ansell House extends approximately 149m in length parallel to Mile End Road. The site is located on the footpath that forms part of a major intersection of Mile End Road, Cambridge Heath Road, Sidney Street and Whitechapel Road, generally comprising a mixture of shops, offices (Use Class B1 and B2) and residential dwellings.
- 4.2 The application site does not contain a listed building, however it is located within the Stepney Green Conservation Area.

### The Proposal

- 4.3 The application proposes the following:
- (a) Relocation of an existing Barclays Cycle Hire Docking Station by approximately 75m south east of its current location on south pavement of Mile End Road outside the eastern block of Ansell House. The proposed relocation site will be located 160m east of the Mile End Road, Sidney Street, Whitechapel Road and Cambridge Heath Road junction.
  - (b) The cycle hire docking station will be a total 32.8m in length and will be setback 0.6m from the Ansell House property boundary (fence-line) located to the south. The cycle hire docking station will be setback 6.3m (maximum distance) from the existing London Plane trees along the south pavement of Mile End Road in close proximity to the kerb line.
  - (c) The cycle hire docking station is split up in three parts, part one comprising a total of 17 docking points (total 12.8m in length), part two comprising 17 docking point and a terminus (total 14.8m in length) and part three comprising 7 docking points (total 5.2m in length). The previous proposed iteration was split up in two parts, part one comprising a total of 12 docking points (total 9m in length) and part two comprising of a terminus and 32 docking points (total 26m in length).
  - (d) The proposed arrangement of the cycle hire docking station is such that it avoids interference with the existing entrance into the private courtyards located in the foreground of Ansell House and to ensure a reasonable separation distance from the east wing of Ansell House which projects outwards in close proximity to the subject pavement. A minimum separation distance of 1.3m (max. 2m) on both sides of the existing Ansell House entrance has been proposed.
  - (e) The cycle hire docking station will be 0.79m in height (maximum) and the terminus being the tallest element will be 2.4m (h) x 0.5m (w) comprising of a way-finding map and payment/registration functionality.

## **Background**

- 4.4 This application has been submitted as a consequence of Transport for London's Cycle Superhighway 2 Upgrade project and as part of this upgrade the formation of a dedicated cycleway along Whitechapel Road, Bow Road and Mile End Road. This cycle route upgrade project has necessitated the relocation of a series of the Transport for London's Barclays Cycle Hire Docking Stations between Aldgate to the west and Bow Roundabout to the east.
- 4.5 The cycle hire scheme provides public access to bicycles for short trips and requires docking stations to be located strategically across central London to ensure comprehensive coverage. The scheme allows people to hire a bicycle from a docking station, use it as desired, and return it to either the same or another docking station.
- 4.6 In order to ensure that there is no disruption or reduction to the Cycle Hire service along this route, 10 sites are being bought forward to replace the sites which are to be lost or reduced as part of the proposed Cycle Superhighway 2 Upgrade.
- 4.7 This application was presented to the development committee on 9<sup>th</sup> April 2015 where the members were minded to refuse the application due to adverse amenity impacts on the residents of Ansell House, in particular those located in the eastern wing. The application was hence deferred. Subsequently, the applicant submitted amended drawings comprising of a revised layout of the proposed cycle hire docking station. Public consultation including relevant internal and external consultees by way of notification letters, site notice and advertising in the East End Life was undertaken in light of the amendments.

## **Relevant Planning History**

- 4.8 **PA/11/01417 (Original Permission):** Full planning permission for the installation of Barclays Cycle Hire Docking Station containing a maximum of 47 docking points for scheme cycles plus a terminal, permitted 28th July 2011.

## **5.0 POLICY FRAMEWORK**

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

### **5.2 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 –March 2015, Consolidated with alterations since 2015 (LP)**

- 6.1: Strategic Approach to London's Transport
- 6.9: Cycling
- 7.4: Local Character
- 7.5: Public Realm
- 7.8: Heritage Assets and Archaeology

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

##### Site Designations

Stepney Green Conservation Area

SP08: Making Connected Places

SP09: Creating Attractive and Safe Streets and Spaces

SP10: Creating distinct and durable places

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

DM20: Supporting a sustainable transport network

DM23: Streets and the public realm.

DM24: Place Sensitive Design

DM25: Amenity

DM27: Heritage and the historic environment

#### 5.6 Other Relevant Documents

- The Stepney Green Conservation Area Character Appraisal and Management Guidelines, LBTH (2009)
- Whitechapel Masterplan

#### 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:

##### Internal Consultees

##### Highways and Transportation

5.9 No objection.

##### Design and Conservation

5.10 No objection.

##### Senior Arboricultural/Trees Officer

5.11 No objection.

##### External Consultees

##### Transport for London

5.12 No comments.

##### Neighbours Representations

5.13 A total of 238 planning notification letters were sent to nearby properties. The application proposal was also publicised by way of a site notice and press notice in the East End Life.

- 5.14 At the time of the initial consultation, the proposal received 1 letter of representation and 1 petition containing 39 signatories objecting to the proposal. Further to the receipt of amended drawings, all previously notified properties and relevant internal and external consultees were re-consulted. No objections or representations have been received during the re-consultation undertaken pursuant to the amended proposal.

**Reasons for Objection:**

- 5.15 The proposed relocation being in close proximity to the residents of Ansell House resulting in overlooking into the habitable rooms of dwellings in particular those located on ground floor.

**[Officer's response:** This is assessed in the material planning considerations section of the report under 'amenity']

- 5.16 Increase in noise level due to the proposed relocation of the cycle hire docking station to be situated in close proximity to the residential dwellings in Ansell House.

**[Officer's response:** This is assessed in the material planning considerations section of the report under 'amenity']

- 5.17 Consideration should be given for alternative locations to be situated closer to the kerbline or to the north pavement of Mile End Road in order to maximise the separation distance between the cycle hire docking station and the residents of Ansell House.

**[Officer's response:** Other potential relocation sites were considered before TfL settled on the proposed location. The Cambridge Heath Road and Whitechapel Road intersection to the west of the subject site, forms part of the Whitechapel Markets, and as a consequence limited physical space is available to accommodate a 41 docking point cycle hire station at that location. The pavement at the corner of the Cambridge Heath Road and Mile End Road is cluttered with services and street furniture, hence limited relocation opportunities were found along the north pavement of Mile End Road.

At the April 2015 Development Committee Meeting, Members suggested an alternative site located on the pavement outside the Wickham Building, 69 Mile End Road. However, an existing 36 point cycle hire docking station as previously approved under PA/11/01330 and PA/15/00201 is already in situ at this site.

The proposed location along the south pavement of Mile End Road outside the eastern block of Ansell House was chosen as the preferred location as it comprises a wide footway where conflict with pedestrian flow can be avoided. Additionally, the proposed location was strategically chosen as it is setback from the existing series of London Plane trees planted along the southern pavement in order to avoid any impacts on the tree roots along with other underground service lines]

- 5.18 Increase in anti-social behaviour along the southern pavement of Mile End Road.

**[Officer's response:** This is assessed in the material planning considerations section of the report under 'crime']

- 5.19 Property devaluation due to the presence of a cycle hire docking station being located in close proximity to Ansell House.



[**Officer's response:**Property devaluation is not a material planning consideration]

5.20 Lack of consultation with the residents of Ansell House by TfL.

[**Officer's response:** Two rounds of publicconsultation were undertaken by the Council as the responsible local planning authority for the proposed works]

## **6.0 MATERIAL PLANNING CONSIDERATIONS**

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

- Land Use
- Design
- Amenity
- Highways
- Other issues

### **Land Use**

6.2 The existing site comprises footpath, and the principle of the incorporation of cycle hire docking station in the vicinity has already been established with the existing cycle station to the north of Bow Road. The need to encourage cycling and other forms of transport is well understood in planning policy and is set out in Policy 6.9 of the London Plan, policy SP08(2) of LBTH's adopted Core Strategy and policy DM20 of the Managing Development Document. Accordingly, it is considered that the introduction of a replacement Cycle Hire Docking Station in the proposed location is acceptable in land use terms.

### **Design**

6.3 Policies DM23 and DM24 of the Managing Development Document seek to ensure that the development is sensitive to the local character and environment and provides for safe, secure and permeable environment. Additionally, DM27 seeks for development to protect and enhance the Borough's heritage assets, their setting and their significant as key elements of developing the sense of place of the borough's distinctive places.

6.4 The design and finishing materials of the docking station and terminal will remain unchanged, finished in grey and blue, as exhibited on all docking stations throughout the borough.

6.5 The docking station will be 0.8m in height (maximum), a total of 32.8m in length across three parts, and a maximum 2m in width. Part one comprises 17 cycle docking points (12.8m in length), part two comprising 17 cycle docking points and one terminus (14.8m in length) and part three comprising 7 cycle docking points (5.2m in length). The separation distance between part one and part two will be 5.9m in order to avoid any interference with the existing entrance into the private courtyard area of Ansell House. The separation distance between parts two and three is proposed at 9 metres, in order to avoid the closest frontage of Ansell House.

- 6.6 It is noted that that proposed site is in close proximity to several London Plane Trees planted along the kerbline of Mile End Road. The proposal does not involve the removal of any nearby trees and the excavation to the pavement will not exceed 45cm. The applicant has agreed that the works will be undertaken in compliance with British Standard 5837:2012. Based upon that standard there is no reason to suppose the works will adversely damage the root zone to any surrounding street trees.
- 6.7 Therefore, the main issue is whether the design of the docking station is appropriate, and whether the provision of additional street furniture results in a cluttered streetscape.
- 6.8 The proposed relocation site on the south pavement outside the eastern block of Ansell House is considerably wide (approximately 12.5m in width) compared to the existing site and is generally cleared of any street furniture or clutter. Having considered that the total width of the cycle hire docking station will not exceed 2m, the proposed relocation is not considered to impose undue clutter to this section of the pavement or streetscape.
- 6.9 Given the proposal involves a relocation of an existing cycle hire docking station, this element already forms part of the existing streetscape of the southern pavement of Mile End Road and the Stepney Green Conservation Area. Therefore, the proposal would appear as a congruous addition to the streetscape, and would not cause harm to the special character and appearance of the conservation area.
- 6.10 The proposal relocation generally accords with policy 6.9 of the London Plan and policies DM23, DM24 and DM27 of the Managing Development Document and is therefore not considered to result in street clutter or detrimentally alter the prevailing streetscene of Mile End Road.

### **Amenity**

- 6.11 Policy SP10 of the adopted Core Strategy and policy DM25 of the Managing Development Document seek to protect residential amenity.
- 6.12 The Cycle Hire Docking Station is proposed to be relocated on pavement outside Ansell House which is a large residential property comprising of over a hundred flats that are located in close proximity to a major highway intersection. Although the existing site is already located outside the western block of Ansell House, the proposed relocation site is closer to the Ansell house property boundary outside the eastern building block, placing the cycle hire docking station in closer proximity to the residents of Ansell House. The proposed relocation site will be setback 0.6m from the fence line of Ansell House which separates the private courtyard from the public realm.
- 6.13 The cycle hire docking station does not comprise of any significantly tall vertical structures as the majority of the structure will not exceed 0.8m in height. It is noted that the tallest element of the cycle hire docking station will be the terminus being 2.4m in height.
- 6.14 The layout of Ansell House is such that the majority of the building is setback at least 13m from the property boundary along with a landscaped private courtyard area in the foreground which creates a reasonable buffer from the public realm. A fence of approximately 2m in height runs along the northern perimeter of the property

which will assist in screening the proposed cycle hire docking station to some extent.

- 6.15 It is noted that the part of the eastern building block is setback approximately 3m from the property boundary. The northern elevation of this building block comprises of two medium sized windows per floor which project views of the Mile End Road carriageway. However, the revised layout and arrangement of the cycle hire docking station is such that there are no docking points located in the immediate foreground of Ansell House's east wing. As a result, no direct overlooking onto the docking points from this elevation is anticipated.
- 6.16 Additionally, the western elevation of the east wing also comprises of windows that project views onto the private courtyard located in the foreground of Ansell House. Although there is no direct looking, there is likely to be an oblique view of the proposed cycle hire docking station from this elevation. Having considered the presence of an approximately 2m tall fence line and given that the total height and scale of the cycle hire docking station, levels of overlooking are not considered to be unduly detrimental. Furthermore, the docking station is within the public realm, where there is an existing expected level of activity as existing.
- 6.17 With regards to any anticipated light pollution, the TfL 'Cycle Hire' logo located on the top of a terminus will not be illuminated at any time. Additionally, the registration/payment screen, way-finding maps and information located on the terminus will only be illuminated on demand during poor light conditions. This level of illumination is anticipated to be similar to that at bus stops. Given the proposed low level and on-demand illumination there would be no significant impacts on neighbouring amenity.
- 6.18 Additionally, given that the application site is in proximity to a major highway intersection along Mile End Road, the streetscape and the setting of the application site is already affected by a degree of background motorised traffic noise transmitted along Mile End Road, it is not considered the operation of the docking station will give rise to any unduly detrimental amenity impact to residential neighbours.
- 6.19 The proposed cycle hire docking station is therefore considered acceptable in terms of neighbour amenity, in accordance with policies SP10 of the Core Strategy, and DM25 of the Managing Development Document.

### **Highways**

- 6.20 No objection has been raised by Transport for London the highway authority for Mile End Road or by LBTH Highways Team.
- 6.21 The pavement exhibits relatively generous width in this location and it is therefore not considered the cycle hire docking station will impede upon the permeability and safe flow of pedestrians.
- 6.22 Given the setback of approximately 10m from the existing kerbline, the proposed location of the cycle hire docking station is unlikely to interfere with vehicle sightlines from the carriageway of Mile End Road.

## Other Issues

### Crime

- 6.23 One reason for objection from residents related to increasing anti-social behaviour as a consequence of the rollout of Cycle Hire Docking Stations along Mile End Road.
- 6.24 According to paragraph 69 of the NPPF, the planning system should encourage safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.
- 6.25 Policies 7.3 of the London Plan, SP09 of the Core Strategy and DM23 of the Managing Development Document seek to create safe, secure and appropriately accessible environments where crime and disorder and the fear of crime do not undermine quality of environments.
- 6.26 An investigation on recorded crimes has been undertaken by using crime statistics from the Metropolitan Police website for the Whitechapel boundary area (fig. 1) and Ansell House including the pavement area surrounding Ansell House (fig. 2) which represent the most recent statistics of reported crimes currently available (true of January 2015).

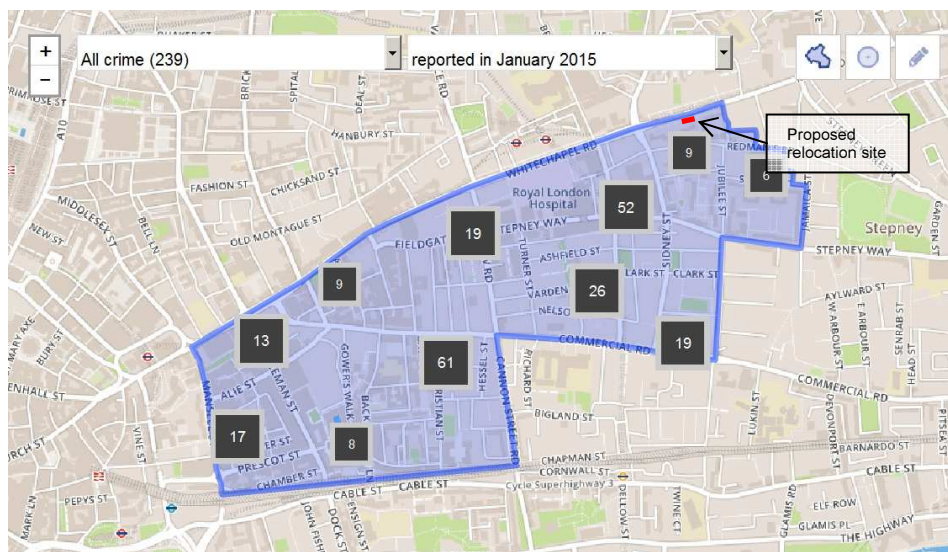
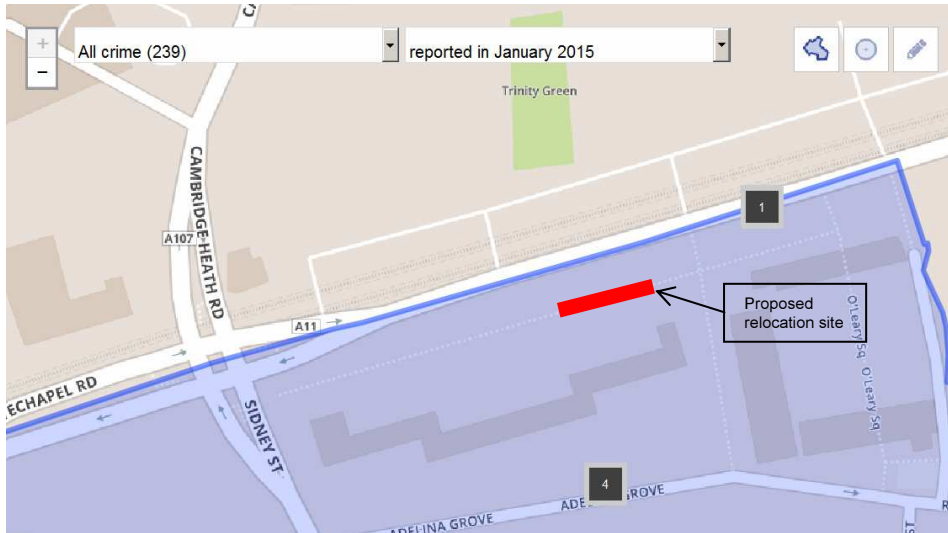


Figure 1: Crime map of the boundary area (Whitechapel Ward 2015) (taken from [www.police.uk](http://www.police.uk))



**Figure 2:** Crime map for application site – south pavement of Mile End Road outside Ansell House (taken from [www.police.uk](http://www.police.uk))

- 6.27 There are no crimes recorded specifically relating to the application site which involve the existing or the proposed location of the cycle hire docking station which forms part of this planning application.
- 6.28 Transport for London who are the responsible Highway Authority for the application site and the immediately surrounding area advised that there have been 5 reports of antisocial behaviour since the scheme began in July 2010. However, there is no evidence of anti-social behaviour or criminal damage reported at the existing cycle docking station on the south pavement of Mile End Road outside Ansell House.
- 6.29 LBTH's Case Investigation Officer advised that several complaints relating to cycle hire docking stations have been received at various locations within the Borough however not specifically relating to the application site.
- 6.30 Having considered the proposed location, which is reasonably close to its current location, it is not considered that there is evidence to suggest that anti-social behaviour is likely to be present at the subject site. The site is well-lit, with significant natural surveillance, inherent with the site location on Mile End Road, and on that basis, it is not considered that the proposal gives rise to unacceptable crime-related concerns.

## 7.0 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 determination of a planning application, the following are particularly highlighted to Members:-
- 7.2 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 Conventions 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 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"

7.3 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.

7.4 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.

7.5 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.

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

7.7 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.

7.8 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.

## **8.0 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-

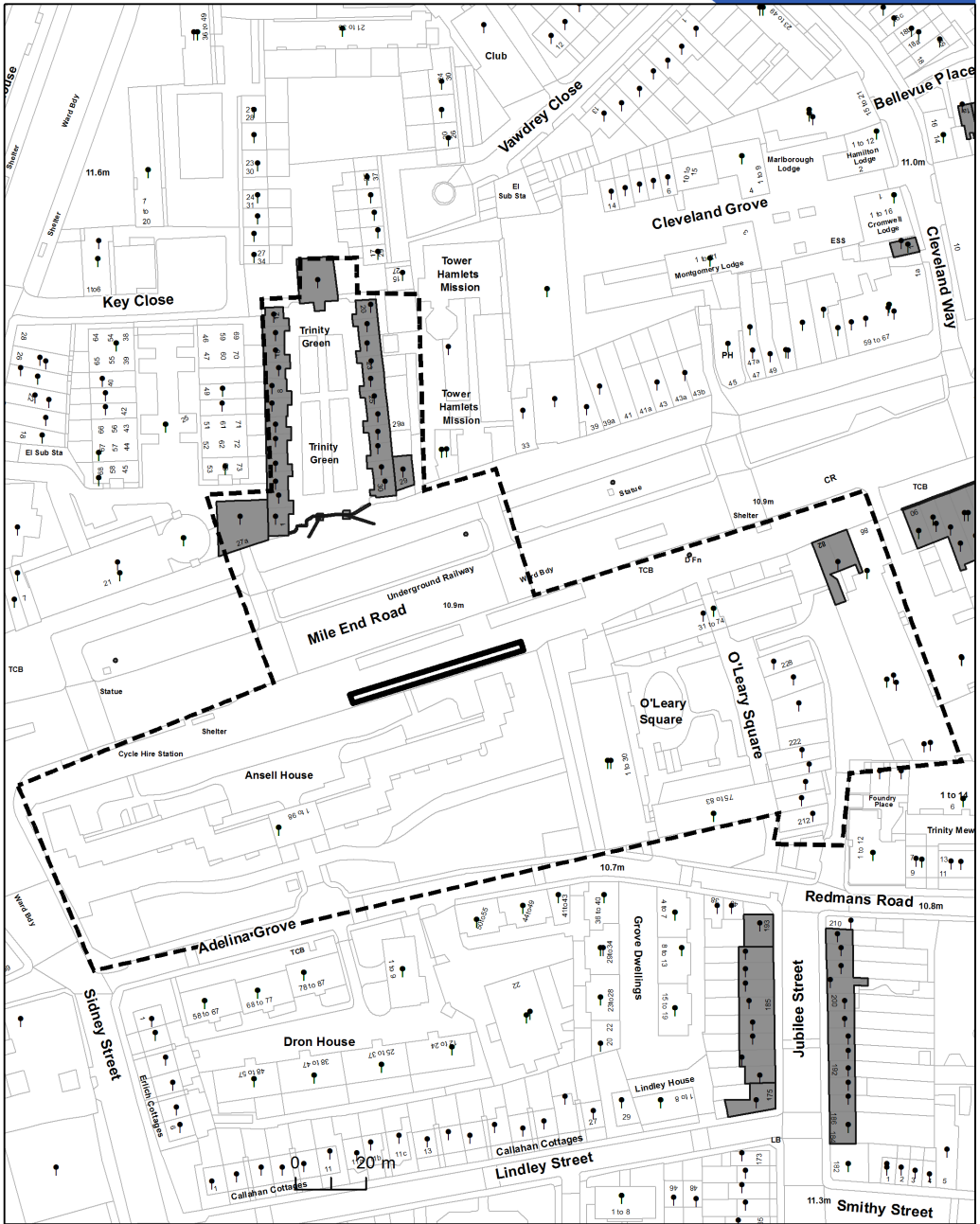
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant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

### **Conclusion**

- 8.4 Key areas of concern and themes of objections received during the initial public consultation of the original application proposal were primarily in relation with amenity issues such as direct overlooking and close proximity to residential dwellings in particular to those located in the east wing of Ansell House.
- 8.5 Subsequently, the amended proposal involves a revised layout and arrangement of the proposed docking points in particular to the section located in the immediate foreground of Ansell House's east wing.
- 8.6 The amended proposal is considered to have adequately addressed key amenity issues raised in line with direct overlooking and close proximity to residential dwellings. Overall, the proposed amendment is considered to be an improvement from the original scheme as it provides a reasonable separation from the residents of Ansell House.
- 8.7 All other relevant policies and considerations have been taken into account. Planning permission should be **approved** for the reasons set out in RECOMMENDATION section of this report.

**Planning Application Site Map**  
**PA/15/00117**



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

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

<b>Committee:</b> Development	<b>Date:</b> 16 June 2015	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Jermaine Thomas	<b>Ref No:</b> PA/15/00096
	<b>Ward:</b> Bethnal Green

## 1.0 APPLICATION DETAILS

<b>Location:</b>	Passageway to the south of 18 Cleveland Way, London, E1
<b>Existing Use:</b>	Private highway
<b>Proposal:</b>	Erect a 2.4m high gate across the passage way
<b>Drawings and documents:</b>	PJP02 – 09/08/14 Design and Access Statement Technical Specification Latching Mechanism
<b>Applicant:</b>	Peter Pritchard
<b>Ownership:</b>	Lakeside Development Limited
<b>Historic Building:</b>	None
<b>Conservation Area:</b>	Abuts Stepney Green Conservation Area situated to the south

## 2.0 EXECUTIVE SUMMARY

- 2.1 The Local Planning Authority has considered this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document 2013 as well as the London Plan (2015) and the National Planning Policy Framework and all other material considerations and has found that:
- 2.2 The main material planning considerations are; whether the proposed security gate would restrict the movement of people, discouraging community cohesion; whether the proposal would cause unacceptable residential amenity conditions for those closer to the proposed location of the gates as a result of anti-social behaviour; and whether the proposal would be an unsightly addition and fail to preserve the appearance and character of the Stepney Green Conservation Area.
- 2.3 Officers accept that a large number of residents have expressed concerns about the anti-social behaviour levels on site, however, it is considered that the statistical evidence with regards to the crime levels does not support the erection of a security

gate which is contrary to the Council's objectives of building inclusive and welcoming communities.

- 2.4 In conclusion, officers consider that the erection of a security gate is not acceptable for the reasons set out below, primarily because it would reduce permeability contrary to national, regional and local planning policies.

### 3.0 RECOMMENDATION

That the Committee resolve to **REFUSE** planning permission for the reasons below:

- a) The proposal would restrict full public access resulting in an unacceptable form of development that would fail to retain a permeable environment, by reason of creating a physical barrier. This would be contrary to the general principles of the National Planning Policy Framework (2012), policies 7.2 of the London Plan (2015), SP09 of the Core Strategy (2010) and DM23 of the Managing Development Document (2013). These policies require development be well connected with the surrounding area and should be easily accessible for all people.
- 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 discourage community cohesion 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 (2015), 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.

### 4.0 PROPOSAL AND LOCATION

#### DETAILS

##### *Proposal*

- 4.1 The applicant seeks permission to erect a freestanding electronic pedestrian entrance gate at the entrance to the Coopers Close passage way.
- 4.2 The proposed entrance gate measures 2.96m in width and 2.4m in height and is to be made from galvanized steel and finished in black.
- 4.3 Entry would be controlled via a keypad system and only two gate keepers at any one time will have the access codes.
- 4.4 The 'gate keepers' would be responsible for the access arrangements, maintenance and repair of the gates.

##### *Site and Surroundings*

- 4.5 The application site is a pedestrian passage way from Cleveland Way and runs east towards Coopers Close.

- 4.6 The passageway is located to the south of 18 Cleveland Way and to the north of Bellevue Place and 16 Cleveland Way.
- 4.7 The passageway was provided as part of planning consent PA/84/00431 which was for the erection of eighty nine houses and flats with parking, estate roads and estate open space.
- 4.8 The passageway is private land.
- 4.9 The passageway provides access to the residential properties located within Coopers Close and leads onto Chephas Street located to the north. The Chephas Street access to Coopers Close is a vehicle access.
- 4.10 The pedestrian passageway and Coopers Close combined provide a pedestrian throughway from Cephass Street and the surrounding streets down to Cleveland Way and Mile End Road
- 4.11 There are no statutory listed buildings within the immediate vicinity.
- 4.12 The site is adjacent to the Stepney Green Conservation Area.

#### Planning History

- 4.13 PA/84/00431  
Erection of eighty nine houses and flats with parking, estate roads and estate open space  
Approved 22/02/1985
- 4.14 PA/87/00497  
Conversion to form four flats.  
Approved 05/08/1987

#### 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**

National Planning Policy Framework 2012  
National Planning Practice Guidance

#### 5.3 **London Plan 2015**

- 3.9 - Mixed and balanced communities
- 6.3 - Assessing effects of development on transport capacity
- 7.1 - Building London’s neighbourhoods and communities
- 7.2 - An inclusive environment
- 7.3 - Designing out crime
- 7.4 - Local character
- 7.5 - Public realm
- 7.14 - Improving air quality

#### 5.4 **Core Strategy 2010**

- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating Distinct and Durable Places
- SP12 - Delivering placemaking

#### 5.5 **Managing Development Document 2013**

- DM20 – Supporting a sustainable transport network
- DM23 - Streets and the public realm
- DM24 - Place-sensitive design
- DM25 - Amenity

#### 5.6 **Supplementary Planning Documents**

N/A

#### 6.0 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:

##### **LBTH Transportation & Highways**

6.3 The applicant is required to confirm which direction the door will open towards. Under Section 153 of Highways Act 1980, it is not allowed to design door to open outward onto public highways. Without this information Highways cannot support the application.

6.4 Highways recommend the access to operate in a manner similar to other paths such as the Thames Path in Wapping. For example, the access should be allowed for the general public during daylight hours.

*Officer comment: This is discussed further under material planning considerations.*

##### **Crime Prevention Officer**

6.5 The addition of this gate is definitely a benefit to the location and residents. My only additional comment is that there may well still be groups/individuals who could use the walkway from the internal part of the development (not Cleveland Way) up to the new gate as a 'hang out' area. This is due to the ability for these people to gain access from the internal part of the development. I only mention this as a consideration for the future. It may be the case that if the above becomes a reality there would be a need to fit another similar gate at the inner end of the passage to prevent access to this space.

6.6 As mentioned, this new gate is a positive move from a security point of view.

*Officer comment: This is discussed further under material planning considerations.*

##### **LBTH Design Officer**

6.7 The application site is located just outside of the Stepney Green Conservation Area and the proposed gates are not considered to be harmful to its setting. However, I do object to the proposal on urban design grounds as it would result in reduced pedestrian permeability. This would be contrary to objectives of the Tower Hamlets Core Strategy (2012) that seek to create well-connected network of streets and spaces that make it easy for people to move around (SO20 and SP12). It would also be contrary to Policy DM23 of the Managing Development Document SPD (2013) which seeks to ensure that development is well-connected and improves permeability and legibility.

*Officer comment: This is discussed further under material planning considerations.*

## 7.0 LOCAL REPRESENTATION

7.1 A total of 201 letters were sent to neighbours and interested parties.

7.2 The number of representations received in response to notification and publicity of the application is as follows:

No of individual responses:	Objecting: 19	Supporting: 34
Petition with signatures:	Objecting: 1x Petition with 374 Signatures	Supporting: 0

The results of a survey presented on an excel spread sheet stated that 55 people supported the scheme. However, this information was gathered prior to the submission of the planning application and has not been received as formal representations to the statutory notification process. No signatures were provided and as a consequence limited weight can be afforded to the survey.

The Corporate Director of Development and Renewal has directed that the application be referred to committee as it raises borough wide issues.

7.3 The following issues were raised in objection to the proposal:

- Reduce connectivity and permeability
- It is an important thoroughfare to shops and schools
- Impact on people less mobile
- Increase opportunities for anti-social behaviour and crime
- The proposed gates not prevent anti-social behaviour problems
- Inconvenience to regular users, residents and visitors, parents and children
- Gate is not necessary
- The installation of gates form a barrier which will prevent access through the throughway
- The application is contrary to Tower Hamlets' planning policies.
- Management issues with the gates
- The costs of installation the gates for residents

7.4 [Officers Comments: The comments are noted and discussed in detail within the material considerations section of the report]

7.5 The following issues were raised in support to the proposal:

- Address crime and anti-social behaviour issues
- Prevent littering
- Prevent vandalising
- Reduction in nuisance and disturbance
- Improve security and safety
- Limited impact on walking distance for children and parents to school
- Address refuse and rodent issues

7.6 [Officers Comments: The comments are noted and discussed in detail within the material considerations section of the report]

## 8.0 MATERIAL PLANNING CONSIDERATIONS

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

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

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

### **Crime**

8.3 The planning application proposes a security gate at the Cleveland pedestrian entrance to Coopers Close to restrict access to residents and non-residents alike. The application has been submitted to seek to address concerns raised by the applicant and residents that the unrestricted access is the cause for anti-social behaviour and incidents of crime at the application site. Full details of the levels of crime are detailed below.

8.4 According to paragraph 69 of the NPPF the planning system should encourage safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

8.5 Policy 7.3 of the Adopted London Plan (2015) seeks to create safe, secure and appropriately accessible environments where crime and disorder and the fear of crime do not undermine quality of life or cohesion. The policy goes on to highlight that developments should reduce opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.

8.6 The Council's Core Strategy policy SP09 (2C) states that gated communities will not be supported. The supporting text for policy SP09 highlights evidence from the Urban Design Compendium 2 dated 2007 which states that a high quality urban environment and layout can help deliver social benefits, including civic pride, increased connectivity, social cohesion, reduced fears of crime and improved health and well-being. The supporting text goes on to state that a poor quality public realm can have severe negative effects on communities.

- 8.7 The Council's Managing Development Document DM23 (3) states that development will be required to improve safety and security without compromising good design and inclusive environments. Furthermore paragraph 23.6 which refers to part (1E) of policy DM23 states that the Council will seek to prevent the creation of barriers to movement.
- 8.8 The principle of erecting a security gate that discourages community cohesion is not supported by the National Planning Policy Framework (2012), the London Plan (2015) or Tower Hamlets planning policies. It is considered that only in exceptional circumstances should the Council make an exception to the policy position.
- 8.9 Whilst the comments received from the Metropolitan Police's Crime Prevention Officer are in support of the proposal, it should be considered that the Crime Prevention Officer's role is purely that of crime prevention, and officers recommendation to refuse the application takes into account a much broader set of considerations which in many instances discord with both national and local planning policies.
- 8.10 A comparative study was undertaken by officers to assess the level of crime in the area. This analysed all of the crime experienced both around the application site and in the Bethnal Green Ward (inclusive of the application site) which involved taking data available from the Metropolitan Police (website). See Figure 1 for the boundary area. It should be noted that the below statistics are a summary of all 'notifiable' crimes, and that the Metropolitan Police website defines a notifiable offence as an 'incident where the police judge that a crime has occurred. Not all incidents that are reported to the police result in a crime'.
- 8.11 The boundary area has a total of 5,244 households (according to [www.neighbourhood.statistics.gov.uk](http://www.neighbourhood.statistics.gov.uk)), whilst the Coopers Close development has a total of 89 households (according to the original planning application). The Coopers Close development plus the surrounding properties along adjacent streets equates to 201 households. This in accordance with the consultation boundary (See Site Map). It can thus be derived from these figures that Cooper Close development represents 3.8% of the total households within Bethnal Green ward.
- 8.12 The comparative study has been undertaken by using crime statistics from the Metropolitan Police (website) for both the boundary area (see Fig.1 and Fig.3) and the immediate vicinity around Coopers Close and the proposed location of the gate (see Fig.2 and Fig.3) over the past year (March 2014 – March 2014) which represent the most recent crime statistics currently available (true of March 2015).
- 8.13 Fig.3 illustrates (on a month by month basis) the total crime rate for the boundary area along with the average crime rate per property within the boundary area and the total crime rate for immediate vicinity of the proposed gate along with the average crime rate per property around Cooper Close, Cleveland Way and Cleveland Grove. In addition to this Fig.3 also gives the breakdown (by type) of crimes reported in this area and then illustrates whether the average crime rate per property within this area was either above or below the average crime rate per property within the boundary area.

Fig.1 – Crime map of the boundary area (Bethnal Green 2015) (taken from [www.police.uk](http://www.police.uk))

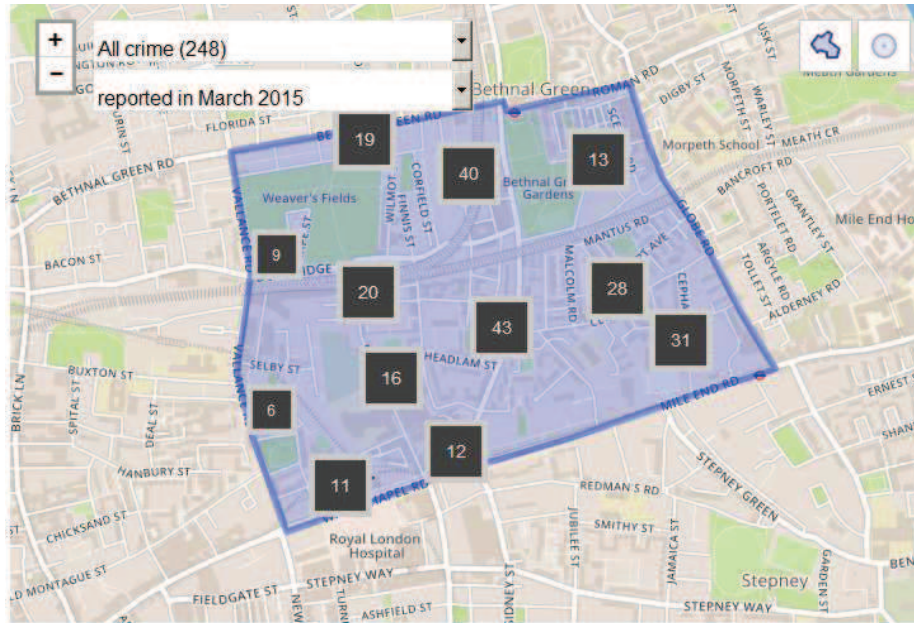


Fig.2 – Crime map of The Cooper Close and surrounding are (taken from [www.police.uk](http://www.police.uk))  
The red outline indicates the area of crime considered.

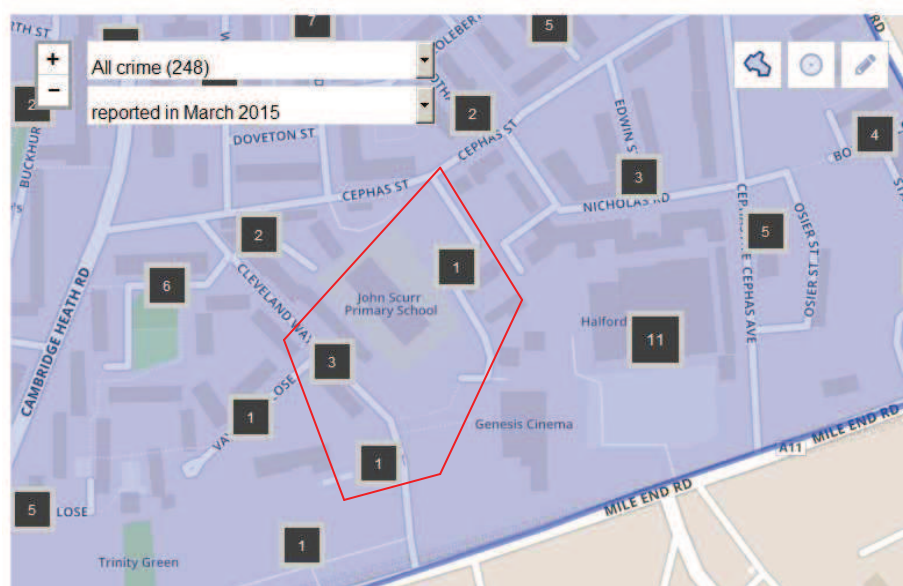


Fig. 3 – Crime statistics (taken from [www.police.uk](http://www.police.uk))

Time period	Boundary Area (No of properties - 5244)		Properties on or near Cleveland Grove, Cleveland Way and Coopers (Near proposed gate location) (No of properties - 201)		Breakdown of crimes on or near Cleveland Grove, Cleveland Way and Coopers	Above/ Below (area average)
	Total crime	Crime per property	Total crime	Crime per property		
Mar - 14	246	0.047	10	0.05	2x Bicycle theft 1x Public Order 1x Burglary 5x Anti-social behaviour	Below



					1x Vehicle Crime	
April- 14	246	0.047	7	0.035	2x Violence & sexual offences 1x Burglary 2x Other theft 1x Robbery 1x Vehicle Crime 1x Anti-social behaviour 1x Bicycle theft	Below
May - 14	285	0.054	12	0.06	2x Violence and sexual offences 1x Bicycle theft 6x Anti-social behaviour 2x Burglary 1x Public Order	Below
June-14	306	0.058	9	0.044	6x Anti-social behaviour 1 x Shoplifting, 2x Bicycle theft,	Below
Jul-14	293	0.055	9	0.044	1x Bicycle theft, 3x Other theft, 1x Public Order 1 x Shoplifting, 1x Vehicle Crime 2x Violence and sexual offences	Below
Aug-14	250	0.047	7	0.034	1 x Bicycle theft, 1x Burglary 4x Anti-social behaviour 1x Public Order	Below
Sep-14	298	0.057	11	0.055	7 x Anti-social behaviour 1x Burglary 1 x Other theft, 2x Vehicle Crime	Below
Oct-14	295	0.56	6	0.3	1x Burglary 1x Robbery 2x Anti-social behaviour 1 x Bicycle theft, 1x Vehicle Crime	Below
Nov-14	260	0.05	4	0.02	1 x Criminal Damage and arson 3 x Anti-Social behaviour	Below
Dec-14	215	0.04	6	0.03	1 x Other crime, 1 x Burglary 1 x Shoplifting, 1 x Violence & sexual offences 1x Drugs 1x Anti-social behaviour	Below
Jan-15	223	0.04	4	0.026	2 x Violence & sexual offences 2x Drugs	Below
Feb-15	194	0.04	13	0.064	2 x Other theft, 1 x Bicycle theft, 1 x Shoplifting, 1x Theft from person 2 x Violence & sexual offences 4x Anti-Social Behaviour	Below
Mar-15	248	0.047	5	0.25	1x Robbery 1x Anti-social behaviour 1x Vehicle Crime 1x Violence and sexual offence 1x Public Order	Below

- 8.14 Fig.3 clearly illustrates that by and large the crime rate experienced around Coopers Close, Cleveland Grove and Cleveland Way is below what would be expected, as for 10 out of the 13 months surveyed the crime rate was below the average rate experienced across the boundary area.
- 8.15 Whilst officers do observe that there is an issue with crime (most notably with anti-social behaviour issues), in light of the above evidence it cannot be considered that the crime rate experienced on and around Cooper Close is exceptional given its context, and therefore officers consider it would not be appropriate for the Council to make an exception to the policy position in this instance.
- 8.16 Whilst the effects of anti-social behaviour on site can have a negative impact on the amenity of residents, there is insufficient evidence to suggest that crime and anti-social behaviour levels are such that greater weight should be given to this argument in planning terms. In addition it should also be considered that the applicant has not demonstrated or outlined any steps that have been taken by management or in association with the police to address the current issues with anti-social behaviour in the first instance without resorting to the gating of the passage. In light of the above, it is considered on balance that the negative implications of the proposal by virtue of its potential to contribute to the segregation of communities, far outweigh the perceived benefits of providing a gated entrance to the south of 18 Cleveland Way.

#### ACCESSIBILITY/PERMEABILITY

- 8.17 According to paragraph 69 of the NPPF the planning system can play an important role in facilitating social interaction and inclusive communities. Paragraph 73 states that access to high quality open spaces and the opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities. In paragraph 75 it is stated that all opportunities for the protection and enhancement of public rights of way and access should be taken in both the formation of planning policy and in planning decisions.
- 8.18 Policy 3.9 of the London Plan states that development should foster social diversity, repress social exclusion and strengthen communities' sense of responsibility for, and identity with, their neighbours. Policies 7.1 – 7.5 set out that development should interface appropriately with its surroundings, improve access to the blue ribbon network and open space, be inclusive and welcoming with no disabling barriers and be designed so that everyone can use them without undue separation. Policy 7.27 states that development should protect and improve existing access points to the blue ribbon network.
- 8.19 Policy SP09 (2C) states that the Council will not support developments that restrict pedestrian movement. Policy SP10 (4) states that the Council will ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surroundings. Policy SP12 (G) seeks to ensure that places provide for a well-connected, safe, and attractive network of streets and spaces that make it easy and pleasant to walk and cycle.
- 8.20 Policy DM23 (1A, 1E & 1F) seeks to ensure that development should be well connected with the surrounding area and should be easily accessible for all people by; improving permeability and legibility, particularly to public transport, town centres, open spaces and social and community facilities; incorporating the principles of

inclusive design; and ensuring development and the public realm are comfortable and useable. Furthermore paragraph 23.6 which refers to part (1E) of policy DM23 states that the Council will seek to prevent the creation of barriers to movement. Policy DM24 (1A) seeks to ensure that design is sensitive to and enhances the local character and setting of the development. Policy DM25 (1A & 1E) seek to ensure that development does not result in an unacceptable increased sense of enclosure or create unacceptable levels of noise, odour or fumes during the life of the development.

- 8.21 The erection of a security gate would restrict movement onto and off of Coopers Close contrary to NPPF paragraph 75 and London Plan policy 7.2, Core Strategy policy SP12 and Managing Development Document policy DM23. This proposal would result in a structure which would be intended to be a barrier to movement, and would subsequently restrict the movement of residents of Cooper Close and wider community. The erection of a gate would not contribute towards the Council's objectives of creating a more well-connected Borough, as the proposed location for the gate would result in a barrier to an existing thoroughfare.
- 8.22 Both national and local planning policies put an emphasis on creating mixed and inclusive communities where social interaction between all members of society is encouraged (see NPPF paragraph 69, London Plan 3.9, Core Strategy SP09 and Managing Development Document DM23). This Council has made a clear stance in its planning policies that it is against the creation of gated communities, and any proposals to discourage community cohesion will be strongly resisted.
- 8.23 Considering the above, officers conclude that the erection of a security gate such as that being proposed would be contrary to national, regional and local policy, as the proposal would restrict full public access through Bethnal Green through the loss of a legally secured publically accessible route towards Mile End Road. The proposal would to an extent encourage a 'gated' community which would be impermeable for non-residents which is against the general planning principle of inclusive communities.

### **Design**

- 8.24 According to paragraph 56 of the NPPF the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.25 Policy 7.1 and 7.4 of the London Plan states that development should promote a good quality environment, provide a character that is easy to understand and relate to and have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Development should also improve an areas visual or physical connection with natural features.
- 8.26 The Council's Core Strategy policy SP10 (4) states that the Council will ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surroundings. Policy SP12 (G) seeks to ensure that places provide for a well-connected, safe, and attractive network of streets and spaces that make it easy and pleasant to walk and cycle.

- 8.27 The Council's Managing Development Document policy DM24 (1A) seeks to ensure that design is sensitive to and enhances the local character and setting of the development.
- 8.28 Managing Development Document Policy DM27 states that development will be required to protect and enhance the borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the borough's distinctive 'Places'.
- 8.29 The proposed security gate at 2.4m high and 2.962m wide would be constructed in from galvanized steel and finished in black.
- 8.30 The proposed gate by reason of its height and prominence would result in an incongruous addition to Cleveland Way and as a consequence an unsightly addition to the public realm and would not preserve or enhance the character and appearance of the Stepney Green Conservation Area and a sense of impermeable public realm from the streets and surrounding areas contrary to policies DM24 and DM27 of the Managing Development Document, SP10 and SP12 of the Core Strategy (2010) 7.4, 7.6 and 7.8 of the London Plan and the advice contained within the NPPF. These policies aim to ensure that development is of high quality design and positively responds to its setting.

#### **Amenity**

- 8.31 According to paragraph 17 of the NPPF local planning authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.32 Policy 7.14 of the London Plan states that local planning authorities should put in place strategies to achieve reductions in pollutant emissions and minimise public exposure to pollution.
- 8.33 The Council's Core Strategy policy SP10 (4) states that the Council will ensure that development protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight); and uses design and construction techniques to reduce the impact of noise and air pollution.
- 8.34 The Council's Managing Development Document policy DM25 (1A & 1E) seek to ensure that development does not result in an unacceptable increased sense of enclosure or create unacceptable levels of noise, odour or fumes during the life of the development.
- 8.35 The Council's policies (see Core Strategy SP10 and Managing Development Document DM25) seek to protect, and where possible improve the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm.
- 8.36 Concerns have been raised from both those in favour and against regarding the potential amenity impacts of installing a security gate at the western end of the Coopers Close passage with regards to noise and disturbance and anti-social behaviour.
- 8.37 It is considered that the proposed gates alone would not reduce nuisance or disturbance in the area from the installation of the gates.

- 8.38 The proposed gate by reason of its separate distance and design would also not result in any significant loss of outlook, sunlight or daylight, or loss of outlook or privacy to neighbours to warrant a reason for refusal.
- 8.39 It is therefore considered that the proposal would not impact upon the amenities of neighbouring properties in accordance with policies DM25 of the Managing Development Document (2013), SP10 (4) of the Core Strategy (2010) and 7.6 of the London Plan (2015) and the intentions of the NPPF.

### **Transportation**

- 8.40 According to paragraphs 32 and 35 of the NPPF local planning authorities should take account of whether safe and suitable access to the site can be achieved for all people; and whether development creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, and avoid street clutter.
- 8.41 The highways officer requested that the gate should be open in daylight hours and for use by the general public.
- 8.42 The proposed development would not result in highway safety concerns, however, it would prevent access on to the Coopers Close Estate and impact the transport (pedestrian and cyclist) network as discussed previously.

### *Conclusion*

- 8.43 Whilst Officers acknowledge that there is some existing anti-social behaviour issues on site that concern some residents of the Cleveland Way, Cleveland Grove and Coopers Close and have led to the applicant submitting this application, this does not outweigh officer concerns that the proposal discords with planning policy at all levels and for so many different reasons. In principle, Officers do not consider the proposal to be acceptable as the proposal goes against the core principles of creating inclusive communities which is integral to the success of the Borough.
- 8.44 In light of the above, it is considered that the proposal would be contrary to national, regional and local planning policy as it restricts movement, encourages a gated community, does not incorporate the principles of inclusive design and is not sensitive to nor enhances the local character of the Stepney Green Conservation Area.

## **9.0 HUMAN RIGHTS CONSIDERATIONS**

- 9.1 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:
- 9.2 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".

9.3 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.

9.4 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.

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

9.6 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.

## 10.0 EQUALITIES ACT CONSIDERATIONS

10.1 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, gender 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:

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

10.2 The proposal would be a potential barrier to people with impairments and thus could be seen as a proposal that could discriminate against a section of the community, which does not fall in line with The Equality Act 2010. Were Members minded to not to follow officers' recommendation, Members need to satisfy themselves that the proposal is satisfactory and could be managed to prevent discrimination.

## 11.0 CONCLUSION

- 11.1 All other relevant policies and considerations have been taken into account. Planning permission should be REFUSED for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS section of this report.

# 12.0 SITE MAP

