

DEVELOPMENT COMMITTEE

Wednesday, 6 December 2017 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 Marc Francis
Vice Chair : Councillor John Pierce
Councillor Helal Uddin, Councillor Suluk Ahmed, Councillor Gulam Kibria Choudhury,
Councillor Chris Chapman and Councillor Sabina Akhtar

Substitutes:

Councillor Danny Hassell, Councillor Ayas Miah, Councillor Clare Harrisson, Councillor
Peter Golds, Councillor Julia Dockerill, Councillor Md. Maium Miah and Councillor
Mohammed Mufti Miah

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Monday, 4 December 2017**
Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Tuesday, 5 December
2017**

Contact for further enquiries:

Zoe Folley, Democratic Services,
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
Tel: 020 7364 4877
E-mail: zoe.folley@towerhamlets.gov.uk
Web: <http://www.towerhamlets.gov.uk/committee>

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Public Information

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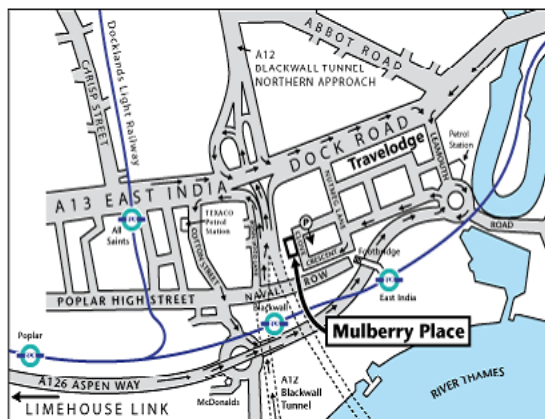
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Electronic agendas reports and minutes.

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QR code for smart phone users

APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 5 - 8)

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 9 - 16)

To confirm as a correct record the minutes of the meeting of the Development Committee held on 8th November 2017.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 17 - 18)

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 Place 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 Place is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.
- 3) To note the procedure for hearing objections at meetings of the Development Committee and meeting guidance.

PAGE NUMBER	WARD(S) AFFECTED
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4. DEFERRED ITEMS

None.

5.	PLANNING APPLICATIONS FOR DECISION	19 - 20	
5 .1	431 Roman Road, London E3 5LX (PA/17/01527)	21 - 38	Bow West

Proposal:

Conversion of kitchen, bathrooms, and storage space for restaurant on the first floor (Use Class A3) to two self-contained residential flats (Use Class C3) consisting of 2x 1person studios measuring 37sqm and 39sqm. Associated internal and external changes to ground and first floors.

Officer Recommendation to the Committee:

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

5 .2	North side of Limehouse Cut between Upper North Street, Watts Grove, London (PA/17/01359)	39 - 64	Bromley South
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Proposal:

Erection of a pontoon for 10 residential moorings with ancillary cycle and refuse/recycling storage facilities.

Officer Recommendation to the Committee:

That the Committee resolve to GRANT planning permission subject to conditions and informatives.

6. OTHER PLANNING MATTERS

None.

Next Meeting of the Development Committee

Monday, 8 January 2018 at 7.00 p.m. to be held in the Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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:-

Asmat Hussain Corporate Director of Law Probity and Governance and 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 WEDNESDAY, 8 NOVEMBER 2017

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

Members Present:

Councillor Marc Francis (Chair) (Items 5.1-5.2)
Councillor John Pierce
Councillor Helal Uddin (items 5.1-5.2)
Councillor Suluk Ahmed
Councillor Chris Chapman
Councillor Andrew Cregan
Councillor Sabina Akhtar (items 5.1-5.2)
Councillor Danny Hassell (Substitute for Councillor Helal Uddin) (Item 4.1)

Other Councillors Present:

None

Apologies:

None

Officers Present:

Paul Buckenham	(Development Manager, Planning Services, Place)
Kevin Chadd	(Legal Services, Governance)
Nasser Farooq	(Team Leader, Planning Services, Place)
Richard Humphreys	(Planning Officer, Place)
Brett McAllister	(Planning Officer, Place)
Zoe Folley	(Committee Officer, Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of interest were declared

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 11 October 2017 be agreed as a correct record and signed by the Chair.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

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, Place 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, Place is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision
- 3) To note the procedure for hearing objections at meetings of the Development Committee and the meeting guidance.

4. DEFERRED ITEMS

4.1 (Locksley Estate Site D) Land at Salmon Lane and adjacent to 1-12 Parnham Street, London (PA/17/01618)

Update report tabled.

Councillor John Pierce (Chair) for this item

Paul Buckenham (Development Control Manager) introduced the application for the residential development comprising 17, one, two, three and four bedroom flats available for affordable rent. The height of the building ranged from five to eight storeys.

Nasser Farooq (Planning Services) presented the report reminding the Committee of the nature of the existing site and surrounds, the appearance of the proposal and the proposed landscaping works for the site and the wider area. He advised that the application for planning permission was considered by the Development Committee on 11th October 2017. At the committee, members were minded not to accept the officer recommendation and were minded to refuse planning permission for the following reasons:

- Loss of a publically accessible open space.
- The impact on the setting of the Canal Towpath and the Regents Canal Conservation Area.

Since that decision, the applicant had amended the rent structure for the housing to provide all 17 affordable units at London Affordable Rent.

Previously, the application proposed a 50/50 split between London Affordable Rent and Tower Hamlets Living Rent. The table in the Committee report showed the various rent options including the proposed London Affordable Rents.

Regarding the impact on open space, Members were reminded of the key characteristics of site A and B in terms of its use. Officers remained of the view that the site could not be considered “publically accessible open space” as defined in the Council’s Core Strategy given the absence of a formal agreement for the use of the wider space. Nevertheless, it could be considered that the site fell within the wider definition of open space given it’s community value and that it provided visual amenity value. The development would result in the loss of approximately 31% of this space. However the remainder of the site would be allocated towards the provision of communal amenity, play space, and landscaping works. Given this and the wider benefits of the scheme, Officers considered that the proposal was acceptable on this ground.

Regarding the impact on the Canal towpath and its setting, members were reminded that the proposal had been set back further from the towpath (compared to the January 2017 application). Members also noted the comments of the Canal and River Trust (CaRT) as set out in the attachment to the deferral report.

In summary, Officers considered that whilst the proposal would result in the loss of partly un-used and inaccessible open space, that this would be outweighed in planning policy terms by the benefits of delivering new social housing, biodiversity benefits and other benefits. Officers therefore considered that the proposal should be granted planning permission. However, if the Committee remained minded to refuse planning permission, two reasons were provided based on the discussion at the previous committee meeting.

On a vote of 2 in favour of the Officer recommendation to grant planning permission, 3 against and 0 abstentions, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor Andrew Cregan proposed and Councillor Chris Chapman seconded a motion that the officer recommendation to grant planning permission be **REFUSED** (for the reasons set out in paragraph 5.2 of the deferred Committee report dated 8th November 2017) and on a vote of 3 in favour, 2 against and 0 abstentions, the Committee **RESOLVED:**

That planning permission at (Locksley Estate Site D) at land at Salmon Lane and adjacent to 1-12 Parnham Street, London be **REFUSED** for residential development comprising 17,one, two, three and four bedroom flats available for affordable rent. The height of the building ranges from five to eight storeys (PA/17/01618) for the following reasons as set out in paragraph 5.2 of the 8th November Committee report

1. The proposed development results in a loss of open space, which would not be adequately off-set by the public benefits of the development. The development would conflict with policy SP04 of the adopted Core Strategy which seeks to protect open spaces.
2. The proposed development by virtue of its height, design and siting with a lack of setback from the Regents Canal would fail to preserve or enhance the character and appearance of the Regents Canal Conservation Area, and the Blue Ribbon Network. As such, the proposal fails to accord with policy (134) of the NPPF, policy 7.24 of the London Plan, policy SP10 of the adopted Core Strategy and policies DM12 and DM27 of the Managing Development Document.

5. PLANNING APPLICATIONS FOR DECISION

5.1 327-329 Morville Street, London (PA/17/01253)

Update report tabled.

Paul Buckenham (Development Control Manager) introduced the application for the demolition of the existing building and chimney and redevelopment of the site with the erection of a new six storey building to provide 62 residential units together with associated works

Brett McAllister (Planning Services) presented the report explaining the site location, the nature of the existing site and the surrounding area. The Committee were advised of the key features of the application, including the proposed layout, revised child play space, the proposed communal space, the quality of the affordable housing, the scale of the development and also the outcome of the consultation and the main issues raised.

Officers considered that the height of the development would sit comfortably within the local setting. It would be of a high quality design. There would be no undue impacts in terms of neighbouring amenity. Nevertheless, the proposal would impact on a number of neighbouring properties in terms of sun lighting and daylighting particularly within Springwood Close as set out in the Committee report. However, it should be noted that the windows at Springwood Close had been designed with the anticipation of a scheme of this scale coming forward on the site. Furthermore, the units affected would have alternative sources of light. This would minimise any impacts.

The development would provide an acceptable mix of housing types and tenure including the provision of 35% affordable housing that would be split 71% affordable rented (in line with Tower Hamlets preferred rent levels) and 29% intermediate.

Transport matters, including parking, access and servicing were acceptable and it was not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of the

development. The scheme would meet the full financial and non-financial contributions.

Subject to the recommended conditions and obligations, Officers were recommending that the application was granted planning permission.

The Committee asked questions about the height of the development given the height of the surrounding buildings in the area and also whether the proposal was consistent with longstanding aspirations for the development of the Estate that favoured smaller scale developments in this area. Members also asked questions about the density of the proposal given it exceeded the recommended London Plan guidance. Members also sought clarify about the daylight and sunlight impacts from this proposal in isolation on neighbouring properties. The Committee also asked questions about the impact on social infrastructure, the provision of green space and additional community facilities, the cycle parking and the consultation.

Officers reminded the Committee of the proposed density of the development and also the criteria in the London Plan for assessing schemes that exceeded their density guidance to identify symptoms of overdevelopment. It would be down to the Committee to make a judgement on whether the proposal would give rise to any adverse impacts and then to consider if the proposal met this criteria. In terms of the daylight/sunlight impacts, Officers considered that any development of the site (even a smaller scale development) would affect the sunlight/daylighting levels within Springwood Close. It should also be noted that this property had been designed with the anticipation of a scheme of this scale coming forward on the site and that the design of properties within Springwood Close to a certain extent acted as a restraint on sunlight and day light levels to that property. Nevertheless it was recognised that a number of windows would experience a major loss of light, but overall it was considered that the impact would be acceptable.

In terms of the height of the development, it was considered that it would be in line with the nearby five and six storey buildings including Olive Tree Court. It was also noted that the area comprised a number of lower rise buildings such as 3 storey and 4 storey houses.

It was also noted that the child play space plans met the policy requirements and comprised an area of ground floor space play space within the amenity space. As mentioned in the presentation, the application included contributions towards CIL. Both the Council and the applicant carried out a consultation exercise on the application. Representations were received both in support and against. Whilst Officers could not confirm if any changes had been made to the application as a direct result of the consultation, the scheme had been amended to address concerns.

In response to the questions about the cycle parking, it was explained that the concerns in the report had been addressed with the provision of Sheffield Stands and it should be noted that the plans exceeded the minimum required standards.

In conclusion, whilst welcoming the proposed development of the site, concern was expressed about the scale of the proposal and that it would be out of kilter with the surrounding area. Concern was also expressed about the density of the proposal and about the adverse daylight and sunlight impacts.

On a vote of 0 in favour of the Officer recommendation to grant planning permission, 6 against and 1 abstention, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor Marc Francis proposed a motion that the officer recommendation to grant planning permission be not accepted (for the reasons set out below) and on a vote of 6 in favour, 0 against and 1 abstention, the Committee **RESOLVED**:

That the Officer recommendation to grant planning permission at 327-329 Morville Street, London be **NOT ACCEPTED** for the demolition of the existing building and chimney and redevelopment of the site with the erection of a new six storey building to provide 62 residential units (Use Class C3), together with associated landscaping, rooftop amenity area, child play space and cycle and refuse storage facilities (PA/17/01253)

The Committee were minded to refuse the application due to concerns over the following issues:

- Height, bulk and massing of the proposal
- That the density of the proposal exceeded the London Plan density range in view of the adverse impact on residential amenity particularly in relation to sunlight and daylight impact.

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.

5.2 Regents Wharf, Wharf Place, E2 9DB (PA/17/01725)

Paul Buckenham (Development Control Manager) introduced the application for the change of use of the existing vacant space at lower ground floor into a one bedroom residential unit and planted courtyard

The Chair invited registered speakers to address the meeting.

George Greenhall addressed the committee in objection in the application. He stated that he was speaking on behalf of local residents. He advised that the proposal would harm amenity by reducing natural light, blocking sunlight and views. He also expressed concern about noise disturbance particularly from the use of the courtyard, this would especially affect the properties with habitable rooms facing the courtyard. In view of this, he suggested that the courtyard should be covered by a permanent canopy. In response to

questions, he explained his concerns about the impact on amenity particularly on privacy given the relationship between the courtyard and the proposal.

Mr Nader Sarabadani spoke in support of the application. He advised that the proposal met and exceeded all the relevant standards in policy in terms of internal space and sunlight and daylight levels as set out in the submitted assessment. There would be capacity for a new refuse space and the applicant had provided a cycle space. The existing building was in a poor condition and this replacement building would improve the appearance of the character of the area and it would deliver additional housing in accordance with policy. It would preserve and ensure good standards of amenity including access to natural light given that the scale of the development was no bigger than what was there already.

In response to Members questions about the amenity impacts, he provided assurances about the measures to ensure privacy and to minimise noise disturbance from the courtyard including the condition requiring details of a retractable canopy over the courtyard. Whilst mindful of the suggestion to install a permanent roof over this, he felt that the proposal should be supported in its current form since it would create a high quality unit with an open courtyard.

Richard Humphreys (Planning Services) presented the application that was being brought to the Committee due to the number of representations received in response to the Council's consultation. He advised of the nature of the existing building (both in terms of its exterior and interior) and the planning history including the key differences between the application and the application refused in November 2016 as detailed in the Committee report.

He also described the proposed layout of the development, the outdoor amenity space, the proposed elevations including the new screens, and privacy measures including the condition requiring details of the retractable canopy for the courtyard and the outcome of the consultation.

Officers considered that the design of the proposed alterations would preserve the character and appearance of the Regents Canal Conservation Area, meeting the policy tests for this. It would also increase the housing supply in accordance with policy and meet housing standards including natural light. The proposal also met the relevant standards for refuse storage. The proposal would not unduly impact the amenity of neighbouring residents and would also afford future occupiers a suitable level of amenity.

Subject to a condition to secure 'car free' arrangements, the proposal would not have adverse transport implications including impact on the local highway network. In view of this, Officers were recommending that the application was granted planning permission.

The Committee questioned whether the list of objections in the Committee report had all been addressed. Officers provided assurances about each of these issues in turn. In particular, it was reported that the development would have a good outlook into the courtyard, benefit from good levels of

natural daylight and private amenity space. Furthermore, the proposal would not affect the community waste facility and there were measures to ensure it would be secure by design.

Members also sought assurances that the concerns with the previous scheme had been overcome relating to the poor quality accommodation and the lack of separation to nearby properties. It confirmed that the proposal differed from the previous proposal in a number of ways and would provide a much better standard of accommodation.

The Committee also asked questions about the impact of the proposal on the character of the street scene. Officers confirmed that they did not consider that the loss of the existing building would impact the area or that the new building would harm the setting of the area.

The Committee also discussed the concerns about noise impact and loss of privacy from use of courtyard and the suggestion of installing a permanent roof covering this space. Officers advised that planning policy supported the provision of the outdoor amenity space, and that it would no longer provide such a space if a permanent roof were to be installed. Furthermore, given the size of the proposal (a one bedroom apartment), the impact on neighbouring amenity from the use of the courtyard should be minimal.

In response to further questions, Officers clarified the nature of the external changes and the location of nearby apartments.

On a vote of 4 in favour 0 against and 2 abstentions, the Committee **RESOLVED:**

That the planning permission be **GRANTED** at Regents Wharf, Wharf Place, E2 9DB for the change of use of the existing vacant space at lower ground floor into a one bedroom residential unit and planted courtyard (PA/17/01725) subject to the Director of Place given delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out in the Committee report

6. OTHER PLANNING MATTERS

None

The meeting ended at 8.40 p.m.

Chair, Councillor Marc Francis
Development Committee

Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

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

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

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

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

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

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

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

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

What can be circulated?

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

How will the applications be considered?

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



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

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

How can I find out about a decision?

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

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

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

Agenda Item 5

Committee: Development	Date: 6 th December 2017	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Place		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. FURTHER INFORMATION

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

3. ADVICE OF HEAD OF LEGAL SERVICES

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the Development Plan and other material policy documents. The Development Plan is:
 - the London Plan 2016
 - 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 the Planning Practice Guidance.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the

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

Brief Description of background papers:
See Individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See Individual reports

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

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 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 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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 5.1

Committee: Development Committee	Date: 6 th December 2017	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place Case Officer: Julian Buckle	Title: Application for Planning Permission Ref No: PA/17/01527 Ward: Bow West
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1.0 APPLICATION DETAILS

Location:	431 Roman Road, London E3 5LX
Existing Use:	Restaurant (Class A3) at ground floor level and first floor level.
Proposal:	Conversion of kitchen, bathrooms, and storage space for restaurant on the first floor (Use Class A3) to two self-contained residential flats (Use Class C3) consisting of 2x 1person studios measuring 37sqm and 39sqm. Associated internal and external changes to ground and first floors.
Drawing and documents:	Site Location Plan PA/1763/001 Existing plans and elevations PA/1763/002 Rev B Proposed plans and elevations Design, Access & Impact Statement
Applicant:	Mr A Ahmed
Ownership:	Applicant
Historic Building:	N/A
Conservation Area:	Driffield Road Conservation Area

2.0 EXECUTIVE SUMMARY

- 2.1 The Council has considered the particular circumstances of this application against the Council's Development Plan policies contained in the London Borough of

Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (MALP) 2016 and the National Planning Policy Framework and relevant supplementary planning documents.

- 2.2 This report considers an application for the conversion of the first floor kitchen, bathrooms, and storage space (Use Class A3) to two self-contained residential studio flats (Use Class C3). The proposal includes associated internal and external changes. This includes a separate residential entrance on the ground floor, new window arrangement on the first floor front elevation, and removal of existing non-habitable room windows on the eastern elevation and introduction of habitable room windows and creation of external amenity space on the eastern elevation.
- 2.3 The proposed design of the scheme is considered to be unacceptable in terms of the overall quality of residential accommodation created. The proposed units would have insufficient daylight and overly enclosed private amenity space.
- 2.4 The proposal would adversely impact on the adjacent site No 433 and cause an unacceptable increase in the level of overlooking. In addition there are amenity concerns with regards to loss of privacy and overlooking for the proposed new units.
- 2.5 On balance it is considered that the proposal would fail to contribute to sustainable development objectives and would not be in accordance with the National Planning Policy Framework. The application fails to accord with the provisions of the Local Development Plan and having examined all the material planning considerations it should be refused.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to REFUSE planning permission.
- 3.2 The proposed units by way of their design would result in both flats being in effect single aspect and the overall quality of the residential accommodation would be poor. The proposal is therefore not in accordance with the provisions of the NPPF, Policy SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013) which seek to ensure residential dwellings provide a suitable internal living environment.
- 3.3 The proposed private amenity spaces for both units would provide insufficient levels of privacy for the future occupiers and would create an unacceptable sense of enclosure for any of its users. The proposal is therefore contrary to the provisions of the NPPF, Policy SP10 of the Core Strategy (2010), and Policy DM25 of the Managing Development Document (2013) which seek to ensure that development safeguards the amenity of surrounding existing and future residents and building occupants.

- 3.4 The proposed private amenity spaces and the introduction of habitable room windows by way of their proximity and position on the boundary with No 433 and in relation to nearby habitable room windows would result in an unacceptable loss of privacy for the neighbouring occupants. The proposal is therefore contrary to the provisions of the NPPF, Policy 7.6 of the London Plan (2016), Policy SP10 of the Core Strategy, and Policy DM25 of the Managing Development Document (2013) which seeks to protect the amenity of surrounding, existing and future residents and building occupants.
- 3.5 The proposed bin store by way of its location within a communal corridor and position inside the building would fail to provide adequate waste storage for the residential use, and as such does not meet the requirements of policy DM14 which seek to ensure that any development suitably demonstrates appropriate waste storage facilities for residual waste and recycling.
- 3.6 The proposed cycle parking facilities by way of their vertically stacked design and position within the communal corridor would be unsuitable for all users and not easily accessible. Therefore they would fail to meet the provisions of the NPPF and Policy 6.9 of the London Plan (2016) which seek to ensure cycle parking facilities are convenient and accessible, and intern contribute to sustainable development objectives.

4.0 SITE AND SURROUNDINGS

- 4.1 The site is located on the north side of Roman Road and is within the Roman Road East District Centre and the Driffield Road Conservation Area. The site is accessed from the north side of Roman Road and the rear of the site abuts the terraces along Driffield Road.
- 4.2 The application site is a two storey building that is part of a parade of shops and restaurants that follow an east-west axis along Roman Road. The ground floor functions as the main seating area with the kitchen, toilets, and storage space at first floor level. It features a very small yard space at the rear measuring circa 2.5sqm.
- 4.3 The site is towards the eastern end of Roman Road and within the Bow West ward. The Hertford Union Canal is approximately 0.35km due north, beyond which is Victoria Park. The surrounding streets to the north and west are relatively uniform in scale at between two-three storeys in height. They follow largely a north-south axis and thus create a highly legible street pattern. Their use is overwhelmingly residential. South-west of the site is the Lanfranc estate, an example of 12 post-war housing blocks that are in the main 4 storeys in height.
- 4.4 The site has a PTAL rating of 3 meaning it does not have 'good' public transport accessibility (defined as 4 and above in the London Plan). Bus stop 'Medway Road' is located on the street just in front of the site. Mile End underground station is 1.1 km due south and is approximately 15 minutes' walk

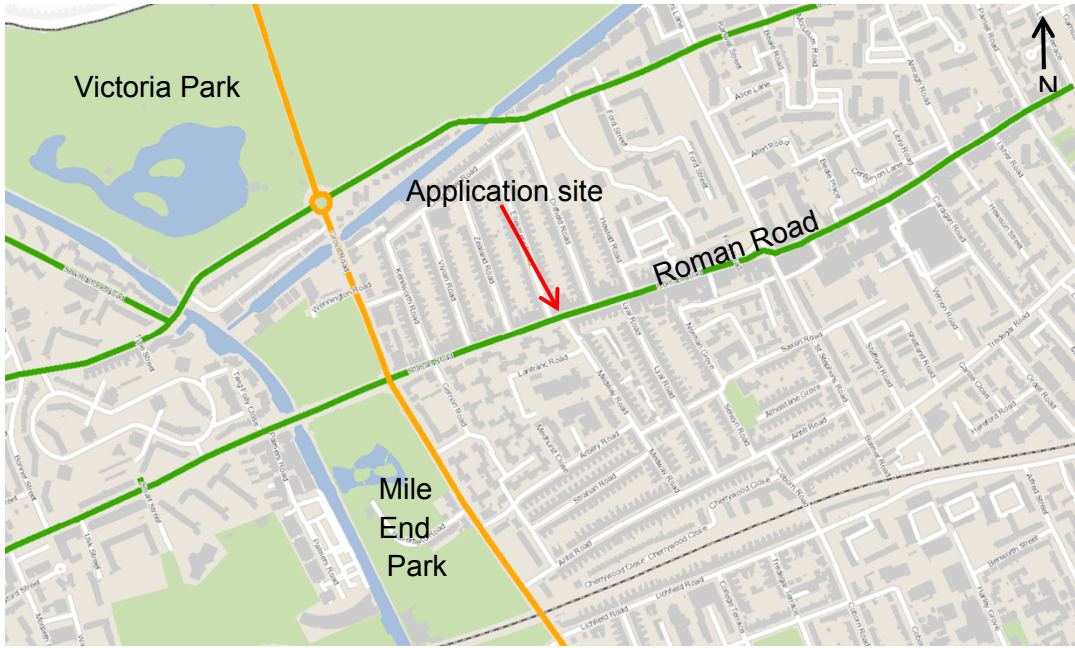
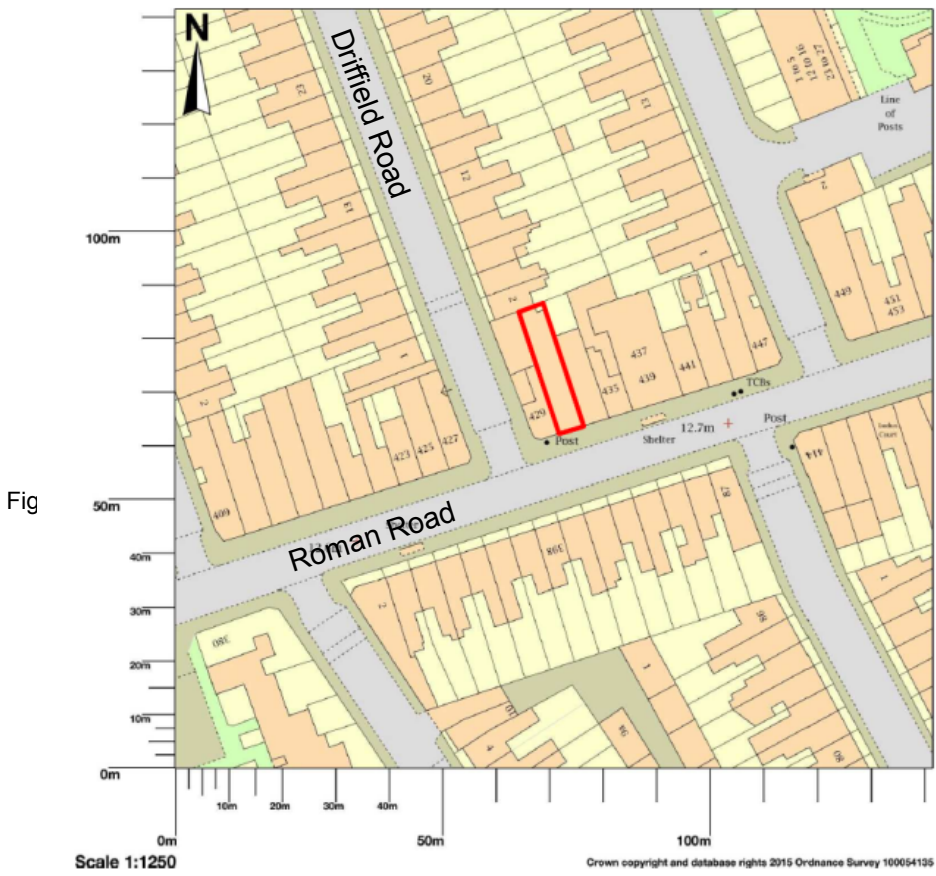


Figure 1: Wider Site Location Plan



Fig

Figure 2: Site Location Plan

Application site



Figure 3: Site Photo

5.0 RELEVANT PLANNING HISTORY

- 5.1 PA/84/00408 – Permitted 16/01/1985
Change of use of ground floor and rear third of first floor to restaurant.
- 5.2 BW/88/00107 – Permitted 01/11/1988
INSTALLATION OF NEW SHOPFRONT
- 5.3 BW/90/00130 – Permitted 01/11/1990
INSTALLATION OF NEW SHOPFRONT
- 5.4 BW/90/00131 – Permitted 31/10/1990
INSTALLATION OF INTERNALLY ILLUMINATED FASCIA AND PROJECTING BOX SIGN
- 5.5 BW/93/00091 – Permitted 28/10/1993
EXTENSION OF OPENING HOURS FROM 8AM TO 12PM, SUNDAYS AND BANK HOLIDAYS
- 5.6 PA/04/01854 – Withdrawn 04/02/2005
Erection of external air conditioning unit to the east-facing rear wall of the existing restaurant.
- 5.7 PA/05/01001 – Permitted 27/10/2005
Erection of an outdoor air conditioning unit at roof level
- 5.8 PA/16/00922/R – Refused 10/06/2016
Alterations to the shopfront and internal rearrangement.

- 5.9 PA/16/00923/R – Refused 10/06/2016
Installation of a front advertisement sign.
- 5.10 PA/17/00835 – Refused 19/05/2017
Conversion of existing toilets, kitchen and storage space at first floor level to two self contained residential flats (Use Class C3) consisting of 1x1 person studio and 1x2 person 1 bed. Ground floor alterations to relocate kitchen and toilets for existing restaurant (Use Class A3).
- 5.11 PA/17/01167/NC – Permitted 20/06/2017
Replacement of shop front and reintroduction of first floor window. Proposed new external extractor fan and duct to the rear elevation.
- 5.12 PA/17/01168/NC – Permitted 20/06/2017
Advertisement consent for replacement of shop front and installation 1x externally illuminated fascia sign.

6.0 RELVANT POLICY FRAMEWORK

- 6.1 Government Planning Policy
 - National Planning Policy Framework
 - Planning Practice Guidance
- 6.2 London Plan (MALP 2016)
 - 3.3 Increasing Housing Supply
 - 3.4 Optimising Housing potential
 - 3.5 Quality and Design of housing developments
 - 4.7 Retail and town centre development
 - 6.9 Cycling
 - 7.4 Local character
 - 7.5 Public realm
 - 7.6 Architecture
 - 7.8 Heritage assets and archaeology
- 6.3 Tower Hamlets Core Strategy (2010)
 - SP01 Refocusing on our town centres
 - SP02 Urban living for everyone
 - SP10 Creating distinct and durable places
- 6.4 Managing Development Document (2013)
 - DM0 Delivering Sustainable Development
 - DM1 Development within the town centre hierarchy
 - DM3 Delivering Homes
 - DM4 Housing standards and amenity space
 - DM20 Supporting a sustainable transport network
 - DM22 Parking
 - DM23 Streets and the public realm

- DM24 Place sensitive design
- DM25 Amenity
- DM27 Heritage and the historic environments

6.5 The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits

Statutory public consultation on the 'Regulation 19' version of the above emerging plan commenced on Monday 2nd October 2017 and will close on Monday 13th November 2017. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning Practice Guidance (Local Plans). These provide that from the day of publication a new Local Plan may be given weight (unless material considerations indicate otherwise) according to the stage of preparation of the emerging local plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the NPPF. Accordingly as Local Plans pass progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. As the Regulation 19 version has not been considered by an Inspector, its weight remains limited. Nonetheless, it can be used to help guide planning applications and weight can be ascribed to policies in accordance with the advice set out in paragraph 216 of the NPPF.

7.0 CONSULTATION

7.1 The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

External consultees

7.2 None.

8.0 LOCAL REPRESENTATION

8.1 A total of 18 planning notification letters were sent to nearby properties as detailed on the attached site plan. A site notice was also displayed and the application was advertised in local press.

8.2 A petition with 31 signatures was received in support of the proposal. The main reason is that the proposal will continue to provide much needed housing in the borough and will ensure the Roman Road area continues to be a viable place.

9.0 MATERIAL PLANNING CONSIDERATIONS

9.1 Land Use

9.1.1 Taking into account the strategic need to optimise housing output (Policy 3.4 London Plan 2016) and increase housing supply (Policy 3.3 London Plan 2016). The London Plan (2016) seeks to enable the potential for small sites to make a substantial contribution to housing delivery in London and recognises that sites below 0.25ha play a crucial role.

- 9.1.2 Policy SP02 of the Core Strategy (2010) seeks to ensure the council delivers the housing targets outlined in the London plan (2016) by focusing new housing strategically in the eastern part of the borough.
- 9.1.3 Part 4 of Policy DM1 of the Managing Development Document (2013) provides guidance for the location of A3, A4 and A5 uses within the town centre hierarchy. This policy recognises the role that these uses have in town centres, where a dynamic mix of uses is beneficial to the character of these areas.
- 9.1.4 The proposal would result in the loss of 94.5sqm of restaurant (Class A3) space at first floor level which is currently used for the kitchen, toilets, and storage. These elements would be relocated to the ground floor level and this would allow for the restaurant and associated facilities to be housed entirely on the ground floor, with two new residential units (Class C3) at first floor level.
- 9.1.5 Whilst officers recognise that there would be a reduction in the overall internal floor area for the restaurant use, there would still be 83sqm of Gross Internal Area. This would be enough internal floor space for a restaurant to function as evidenced through other restaurants along Roman Road having both larger and smaller total internal floor areas.
- 9.1.6 It is considered that whilst the restaurant floor space would be reduced with moving the kitchen and toilets downstairs, the site would still have sufficient internal floor space to operate as a viable restaurant. Therefore the proposed reduction in floor space would not harm the vitality and viability of the Roman Road East District Centre which is characterised by a mix of A1, A3, A4 and A5 uses. Policy DM1 of the Managing Development Document (2013) recognises the role of having a dynamic mix of uses within town centres provided it is beneficial to the character of these areas. Thus retaining the ground floor as an A3 use would be in accordance with this policy and recognises the role such uses play within the town centre hierarchy.
- 9.1.7 Furthermore, a planning permission for a revised shopfront, new extract duct and new restaurant layout incorporating all of the services at ground level was approved under planning reference PA/17/01167. Therefore, the existing A3 Use could operate within the ground floor only.
- 9.1.8 The principle of residential development within this district centre is supported as it is recognised that even a small contribution to the housing targets outlined in the London Plan (2016) – in this case two units – is beneficial to meeting housing demand within the borough. In addition the units would be wholly separate from the restaurant use and therefore the two uses would not be in conflict with one another.

9.2 Design and Heritage

- 9.2.1 Paragraph 137 of the National Planning Policy Framework (2012) states that local planning authorities should look for opportunities for new development within

Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements and make a positive contribution to or better reveal the significance of the asset should be treated favourably.

- 9.2.2 London Plan (2016) policies 7.4, 7.6 and 7.8 broadly aim to develop places with regard to the pattern, proportion and grain of existing spaces and have regard to the character of the local context. More specifically development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 9.2.3 Policy SP10 of the Core Strategy (2010) seeks to preserve or enhance the wider built heritage and historic environment of the borough, enabling the creation of locally distinctive neighbourhoods. Part 4 of the policy specifically seeks to promote good design principles in order to achieve high-quality, sustainable, accessible, attractive, durable, and well-integrated spaces and places.
- 9.2.4 Policy DM23 of the Managing Development Document (2013) relates to the streets and public realm, policy DM24 seeks to ensure that design is sensitive to, and enhances the local character and setting, and 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 in developing a sense of place for the borough's distinctive 'Places'.
- 9.2.5 The proposal would still maintain the active frontage as required under policy DM23 by having the ground floor use as A3. It would be of a sufficient width and the residential entrance would be located separately to the side. This would mimic similar relationships exhibited along the street whereby there are active frontages at ground floor and residential uses above.
- 9.2.6 The proposal would not extend the building outside of its existing footprint, but rather it is proposed to cut into the existing building form to create two private amenity spaces and new habitable room windows would be introduced to the side elevation of the building which is on the boundary with the neighbouring property at No 433. This disruption to the existing form by effectively cutting down into the existing building envelope is symptomatic of poor design which fails to respect the existing form of the building and would introduce an alien feature that bares no relation to the existing building or its immediate context.
- 9.2.7 The proposal however would re-introduce a window to the principal elevation, repair the cornice, and introduce window surrounds to match the two properties adjacent, all of which would enhance the character of the host building and the wider conservation area. Figure 4 below shows the existing and proposed elevations from which you can see the symmetry to the first floor of the façade would be restored and detailing to the windows and cornice would be more in keeping with the traditional arrangement exhibited along the street.



Figure 4: Existing (left) and Proposed (right) Elevations

9.3 Layout

- 9.3.1 The national described space standards (DCLG 2015) outline the minimum Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.
- 9.3.2 The London Plan (2016) policy 3.5 seeks to achieve high quality and good design of housing developments, specifically part A states they should be of the highest quality both externally and internally. Part C states that new homes should have adequately sized rooms, and both convenient and efficient room layouts which are functional and fit for purpose to meet the changing needs of Londoners over their lifetimes.
- 9.3.3 Since 2011 the London Plan has provided the basis for a range of housing standards that address the housing needs of Londoners and these are brought together in the Housing Supplementary Planning Guidance (SPG) (2016).
- 9.3.4 Policy SP02 of the Core Strategy (2010) seeks to ensure all housing is appropriate high-quality, well-designed and sustainable. Policy DM04 of the Managing Development Document (2013) that all residential development should meet the most up-to-date housing standards, this includes providing a minimum of 5sqm of private amenity space for 1-2 person dwellings.
- 9.3.5 The proposed units would have a Gross Internal Area (GIA) of 37sqm and 39sqm which is in accordance with the minimum internal floor area of 37sqm required for studio dwellings with a shower. The studios would have 5sqm of private amenity space each and the depth of the terraces would exceed the minimum of 1.5m. The proposal would thus be in accordance with the nationally described space standards (DCLG 2015) and the policies aforementioned. Figure 5 shows the existing and proposed floor plans at ground and first floor level.

9.3.6 Nonetheless the overall quality of the residential accommodation is poor. It is considered that both private amenity spaces are effectively north facing as they are within the building envelope and would be heavily overshadowed by the building's structure directly to the south. Furthermore Flat 2 is east facing single aspect and as such would benefit from very little natural daylight and sunlight. The amenity implications arising from the layout of the units will be considered in greater detail within the following section.

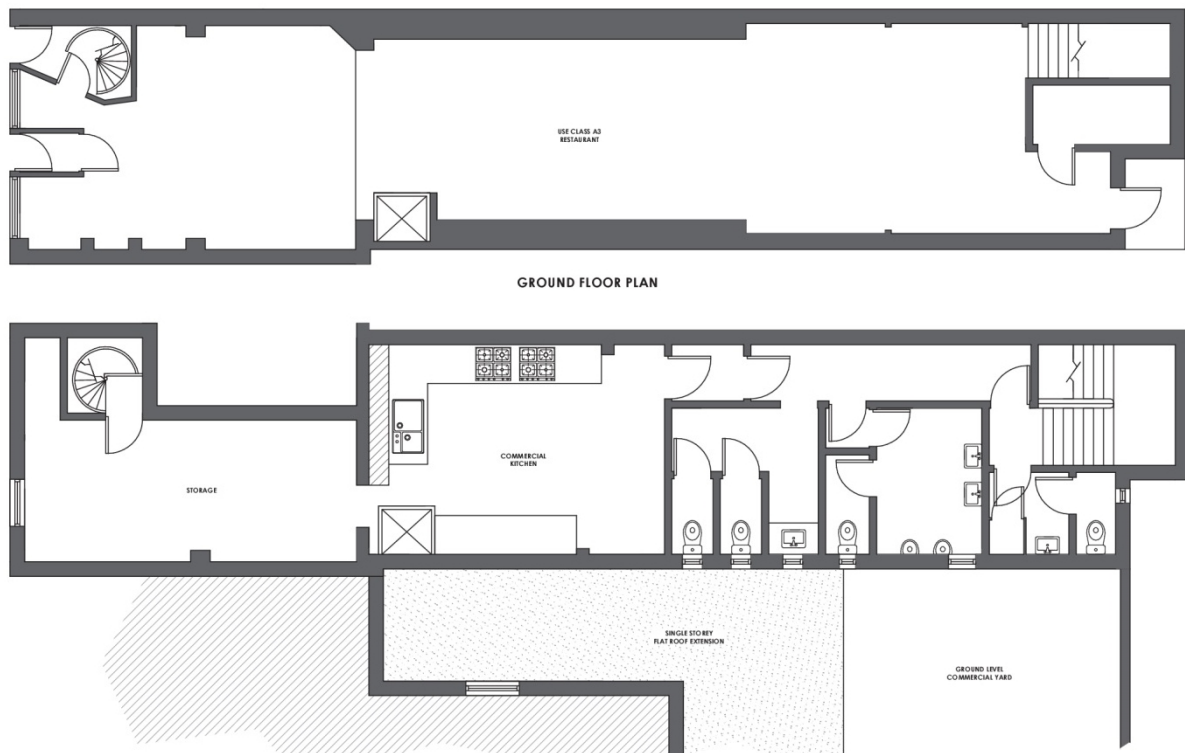


Figure 5: Existing Ground and First Floor Plan

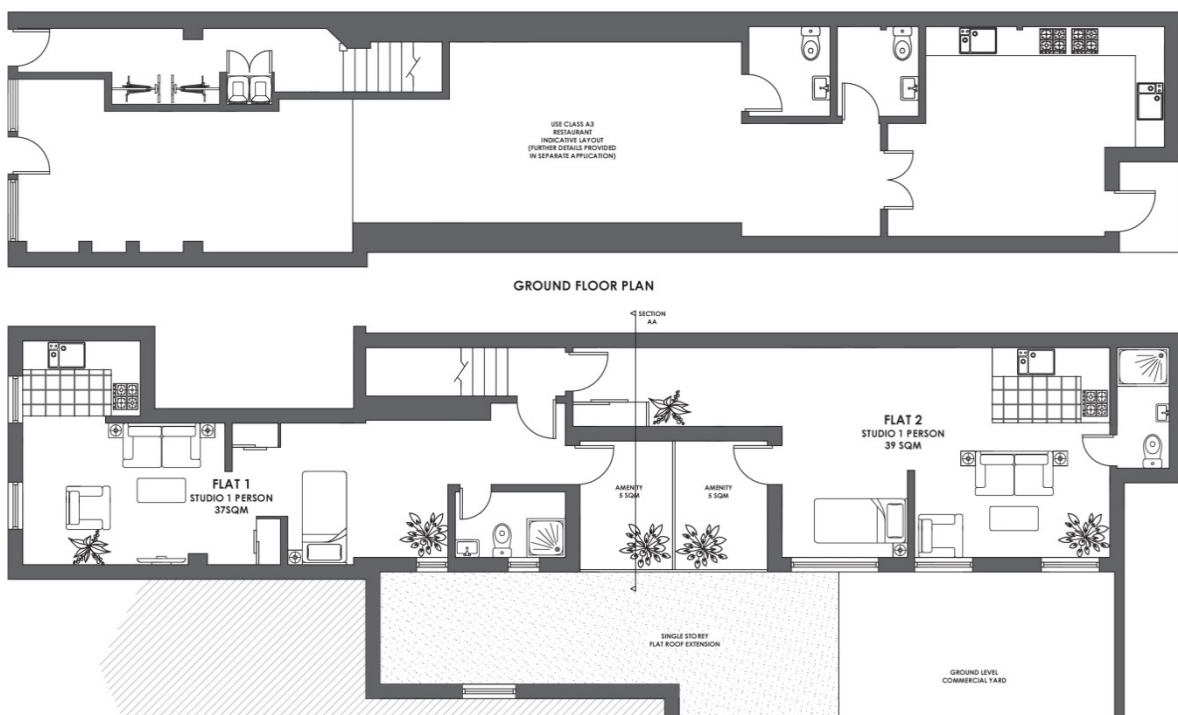


Figure 6: Proposed Ground and First Floor Plan

9.4 Amenity

- 9.4.1 GLA Housing SPG (2016) Standard 29 states that developments should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing, or exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms should be avoided.
- 9.4.2 GLA Housing SPG (2016) Standard 32 states that all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Living areas and kitchen dining spaces should preferably receive direct sunlight.
- 9.4.3 SP10 of the Core Strategy (2010) seeks to ensure that buildings and neighbourhoods promote good design principles and that development protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight).
- 9.4.4 DM25 of the Managing Development Document (2013) states that development should 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 by:
- a. not resulting in an unacceptable loss of privacy, nor enable an unreasonable level of overlooking or unacceptable increase in the sense of enclosure;
 - b. not resulting in the unacceptable loss of outlook;
 - c. ensuring adequate levels of daylight and sunlight for new residential developments
 - d. not resulting in an unacceptable material deterioration of the sunlighting and daylighting conditions of surrounding development including habitable rooms of residential dwellings and not result in an unacceptable level of overshadowing to surrounding open space.
- 9.4.5 DM4 (4.6) of the Managing Development Document (2013) is clear in stating that private amenity space is important in meeting the needs of residents carrying out day-to-day activities. The supporting text of the paragraph states it is important the space meets the minimum standards and ensure that residents have sufficient space to carry out activities such as enjoying a meal outside and drying clothes.
- 9.4.6 Flat 1 would introduce obscure glazed windows with an openable section above 1.7m to the side elevation facing No 433 Roman Road. In effect this would make the unit single aspect as there would be no benefit in terms of outlook as a result of the restricted design of these windows. Their position on the boundary and proximity to the adjacent building means they would receive no direct sunlight. However, the primary aspect to Flat 1 is south facing with two windows providing outlook to Roman Road, as such Flat 1 would provide a better quality internal environment than Flat 2.

- 9.4.7 Flat 2 would be single aspect and east facing into the neighbouring premises at No 433 and No 435. Officers consider that Flat 2 would only receive direct sunlight for a small part of the day during the morning, and in winter months when the sun is lower this is likely to be further reduced. The outlook would also be fairly limited and wholly relies on the curtilage of the neighbouring properties for its outlook. This is un-neighbourly extension which relies on private land for both its outlook and sunlight and daylight.. Flat 2 as proposed is considered to provide a poor internal living environment for the future occupiers by way of it being single aspect and its location and positioning of the habitable room windows.
- 9.4.8 The proposed private amenity spaces would provide a poor quality space that would feel far too enclosed and would make for an unpleasant outdoor area. By cutting down into the building form they would be heavily overshadowed. Furthermore, the privacy screen shown on Figure 8 separating the two amenity spaces is proposed at 1m in height. This would be insufficient to protect the privacy of the future occupiers of either Flat 1 or Flat 2. Even if the screen was increased in height it would further contribute to an overbearing sense of enclosure to these spaces.
- 9.4.9 The property No 433 features a bedroom window to the rear elevation at first floor level. It should be noted this window is not shown on the first floor plan (Figure 6) but from the site visit and planning history officers are satisfied that it serves a habitable room. The window in question would be unduly overlooked from the private amenity space of Flat 2. On the basis that it would be approximately 8m from the amenity space of Flat 2 and have a direct line of sight. This would result in an unacceptable loss of privacy for the occupiers at No 433.
- 9.4.10 Overall the private amenity spaces proposed would fail to accord with policy by way of creating an undue sense of enclosure and providing insufficient privacy to both the occupants and neighbours. The multitude of amenity issues these outdoor areas raise is a consequence of their poor design.

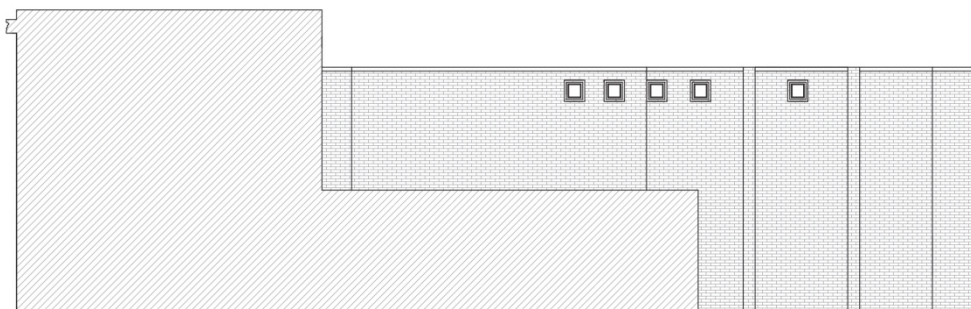


Figure 7: Existing side elevation (east)

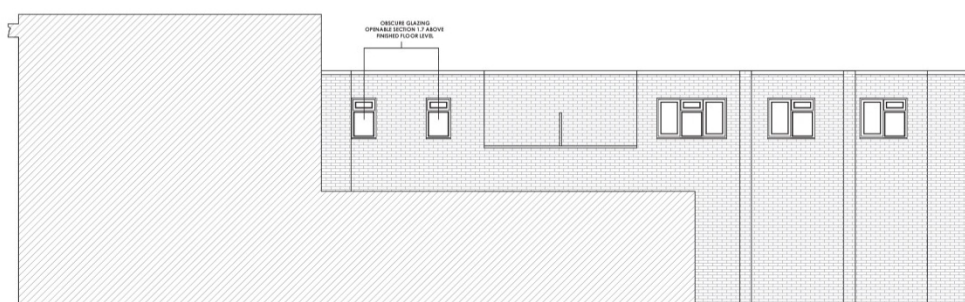


Figure 8: Proposed side elevation (east)

9.5 Highways and Waste

- 9.5.1 Policy 6.9 of the London Plan (2016) states that all new dwellings should provide one cycle space per studio/one bedroom unit, and two spaces per all other dwellings, and that developments provide secure, integrated, convenient and accessible cycle parking facilities.
- 9.5.2 Policy DM22 part 2 of the Managing Development Document (2013) states that where development is located in areas of good public transport (PTAL) the council would stipulate that it is car-free. And that no additional car parking space would be provided.
- 9.5.3 Policy SP05 of the Core Strategy (2010) seeks to ensure that local residents reduce and manage their waste effectively. Policy SP12 aims to improve and develop a network of sustainable and well-designed places through ensuring places offer the right layout to support the day-to-day activities of local people.
- 9.5.4 DM14 of the Managing Development Document (2013) ensures that development demonstrates how it will provide appropriate storage facilities for waste. Appendix 2 outlines the expected additional minimum capacity per week for a 1 bedroom unit to be 100 litres of refuse, and 60 litres of dry recyclables co-mingled, as well as 20 litres of compostable waste for units without a garden.
- 9.5.5 The proposal would include the provision of cycle parking at ground floor level for the residential units. According to the London Plan (2016) the development would be required to provide 2 cycle parking spaces. However, the proposal is for a vertical stands which is not suitable and not accessible for all users. Therefore, the proposal is not considered to meet the requirement as set out in the policy, and as such the proposal would not provide adequate cycle parking that is accessible secure, sheltered, integrated, and inclusive.
- 9.5.6 The proposed waste storage facilities raise concern as there would be a requirement for the waste collection personnel to enter the premises and go through the communal corridor to access the bin store. This arrangement is contrary to council policy whereby the bin store should be directly accessible from the public highway.
- 9.5.7 Furthermore no information has been submitted outlining where the waste collection vehicle would park to load and unload. Nor has information been provided on the expected volumes of waste to be generated. The store's position within the interior of the building means there would be a requirement for mechanical ventilation which has not been proposed. On balance officers consider that the waste storage facilities fail to meet policy DM14 of the Managing Development Document (2013) and the proposal does not demonstrate a coherent waste strategy for the new residential use.

10.0 HUMAN RIGHTS CONSIDERATIONS

- 10.1 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:
- 10.2 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".
- 10.3 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.
- 10.4 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.
- 10.5 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.6 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.

11.0 EQUALITIES ACT CONSIDERATIONS

11.1 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:

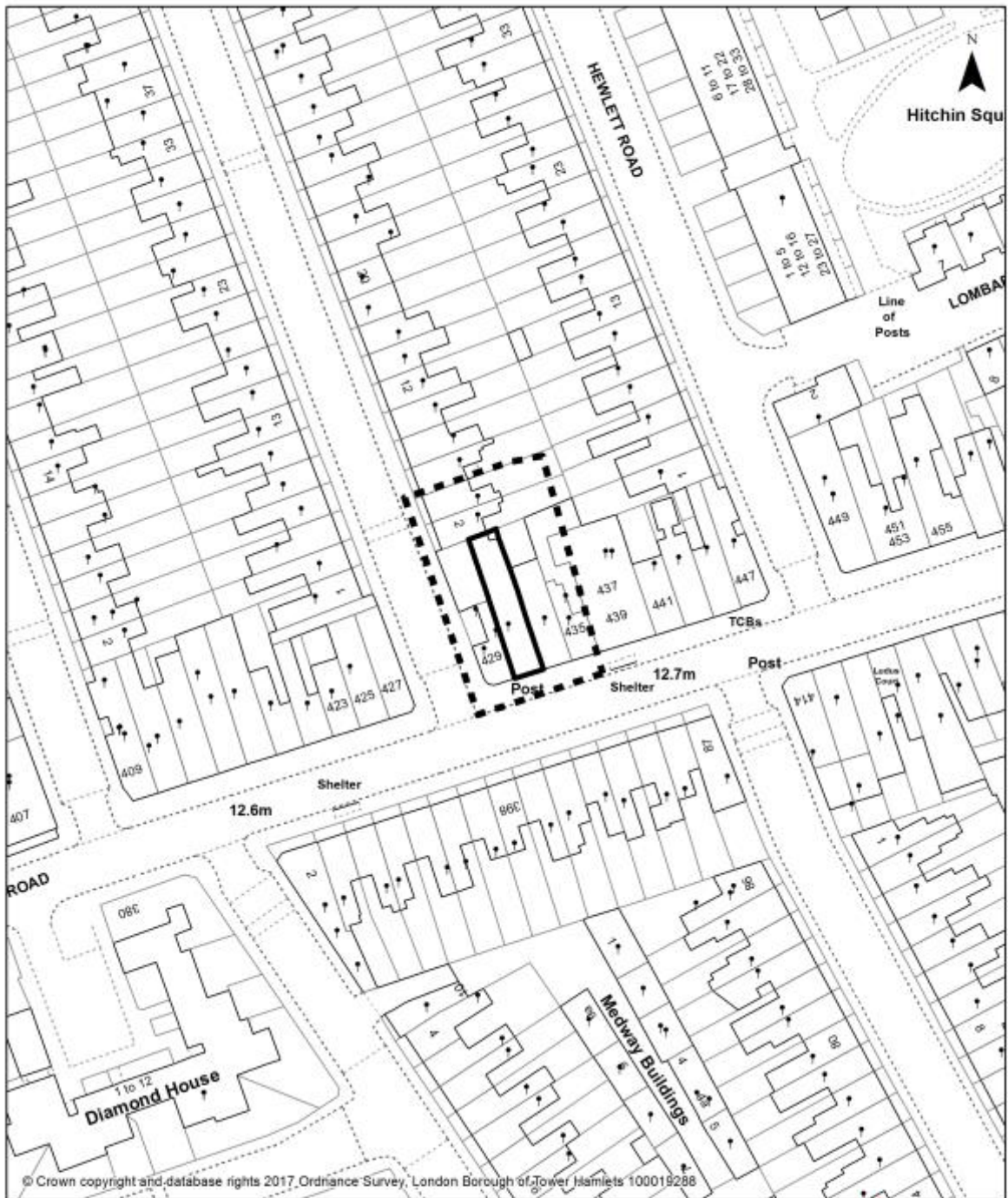
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a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

11.2 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.

11.3 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation it is identified that level access is provided into all parts of the building thus promoting equality with regards to disability. There are no other identified equality considerations.

12.0 CONCLUSION

12.1 All 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



- Consultation Area
- Planning Application Site Boundary
- Statutory Listed Buildings
- Locally Listed Buildings

Scale @ 1:800
 10 5 0 10 20 30 Meters

Planning Application Site Map PA/17/01527

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



GIS for Place Directorate

LONDON BOROUGH OF TOWER HAMLETS
 Date: 20/11/2017



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Agenda Item 5.2

Committee: Development	Date: 06 th December 2017	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Application for Planning Permission
Case Officer: Chris Stacey	Ref No: PA/17/01359
	Ward: Bromley South

1.0 APPLICATION DETAILS

Location:	North side of Limehouse Cut between Upper North Street, Watts Grove, London
Existing Use:	Water space (sui generis).
Proposal:	Erection of a pontoon for 10 residential moorings with ancillary cycle and refuse/recycling storage facilities.
Drawing and documents:	Letter Dated 29/08/2017 Letter Dated 03/10/2017 Revised Site Plan, Dated September 2017 INT13_016-001-01 Rev L, General Arrangement INT13_016-001-02 Rev L, General Arrangement INT13_016-001-03 Rev L, Section Through Navigation and Pontoons INT13_016-001-04 Rev L, Waste Storage Platform AW2GA-01, Atlantic Waterway Walkway DF1aGA-01, DF1a Concrete Float P-C1-01, Standard Cleat Extended Phase 1 Habitat Survey Report, Ref DFCP 4034 Rev A, Dated 11/05/2017 Planning, Flood Risk and Heritage Assessment, Dated May 2017 Scheme of Biodiversity Mitigation and Enhancements, Dated June 2017 Refuse Storage Facility
Applicant:	Poplar Harca
Ownership:	Canal and River Trust East Thames Limited
Historic Building:	N/A
Conservation Area:	Limehouse Cut

2.0 EXECUTIVE SUMMARY

- 2.1. The Council has considered the particular circumstances of this application against the Council's Development Plan policies contained in the London Borough

of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (MALP) 2016 and the National Planning Policy Framework and relevant supplementary planning documents.

- 2.2. This report considers an application for the erection of a pontoon for 10 residential moorings with ancillary cycle and refuse/recycling storage facilities on the north side of the Limehouse Cut between Upper North Street and Watts Grove.
- 2.3. The loss of existing open water space, and the provision of residential moorings can be considered to be acceptable in this instance as the proposed development meets the relevant exceptions in policy for developing within water space, does not adversely impact upon the navigability of the Limehouse Cut nor its use for waterborne leisure activities, and also provides additional residential accommodation within the Borough.
- 2.4. The proposed design of the scheme is acceptable in terms of its layout, scale and appearance, as the proposal does not significantly impact upon the open character of the Limehouse Cut, features a high quality material palette, and also has been designed with Secure by Design principles in mind.
- 2.5. The proposal would not significantly adversely impact the amenity of surrounding residents and building occupiers, and would also likely afford future occupiers of the proposed residential moorings a suitable level of amenity. As such the proposed development can be seen to be in accordance with relevant policy and is thus acceptable in amenity terms.
- 2.6. The proposal would not have an adverse impact upon either the local highway or public transport network, would provide appropriate cycle parking arrangements, and would be serviced in an appropriate manner. As such the proposal is considered to be acceptable in highways and transportation terms.
- 2.7. The proposed refuse strategy for the site has been designed to accord with the Council's waste management hierarchy of reduce, reuse and recycle, in accordance with relevant policy.
- 2.8. It is considered that the proposal is acceptable in air quality, biodiversity and flood risk terms and is thus considered to be in accordance with relevant policy. The scheme would be liable for neither the Mayor's nor the borough's community infrastructure levy.
- 2.9. Subject to the recommended conditions, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework. The application is in accordance with the provisions of the Development Plan and there are no other material planning considerations which would indicate that it should be refused.

3.0 RECOMMENDATION

- 3.1. That the Committee resolve to **GRANT** planning permission subject to:
 - (a) The Corporate Director of Place's delegated authority to recommend the following conditions and informatives in relation to the following matters:
- 3.2. **Conditions on planning permission**

1. Time limit (*compliance*)
2. Development to be built in accordance with the approved plans (*compliance*)
3. Servicing agreement with adjacent land owner (*pre-commencement*)
4. Construction environmental management plan (*pre-commencement*)
5. Full details of biodiversity enhancements (*pre-commencement*)
6. Secure by design details (*pre-commencement*)
7. Full details and samples of proposed materials/finishes (*pre-commencement*)
8. Details of the bridgehead and gate design (*pre-commencement*)
9. Details of foul drainage methods/system (*pre-commencement*)
10. Details of proposed lighting (*pre-occupation*)
11. Site management plan (*pre-occupation*)
12. Permit free agreement (*pre-occupation*)
13. Details of electrical points (*pre-occupation*)
14. Cycle parking (*compliance*)
15. Refuse storage (*compliance*)
16. Contaminated land (*compliance*)
17. Size and number of boats (*compliance*)

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1. The site has an area of approximately 0.15ha and comprises of water space situated on the north side of the Limehouse Cut canal. The site is broadly rectangular in shape and is bordered to the north by Alphabet Square and Invicta Close along with Eagle Wharf, and to the south by Metropolitan Close, Locksons Wharf and Pioneer Close.

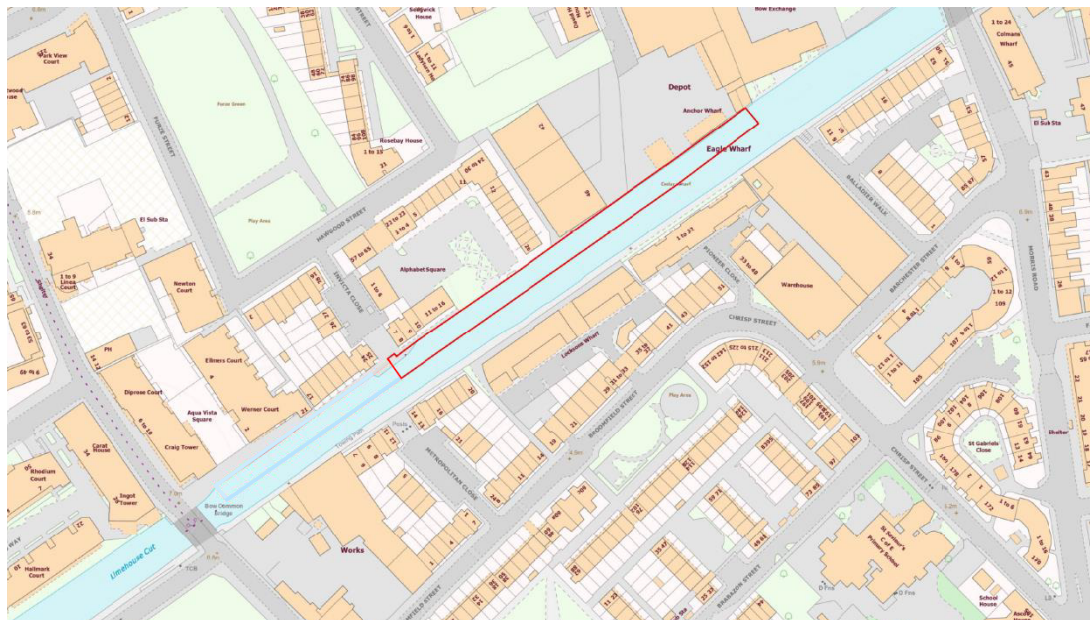


Fig.1 – Application Site

- 4.2. The site is located on the 'off-line' side of the canal, on the opposite side to the towpath outside of the 12m navigation channel, and sits directly beside the concrete canal wall which sits around 3.5m/4m above the water level. The towpath on the south side of the canal is publically accessible and is well used by both pedestrians and cyclists, whereas the path which runs atop the canal wall on the

north side of the canal is publically accessible and features lower footfall primarily generated by residents of the surrounding properties.

- 4.3. The Limehouse Cut canal is approximately 2 miles (3.2km) in length and runs between Bow Locks and the Limehouse Basin, of which the latter has access to the River Thames via the Limehouse Ship Lock at Narrow Street. The canal itself is designated as water space (a form of open space) and also falls within the London's Canals Site of Importance for Nature Conservation (SINC). Further along the canal (towards Limehouse Basin) a number of informal and formal leisure moorings are present, and the canal is also used by a variety of users for leisure activities.
- 4.4. The surrounding buildings are predominantly in use for residential purposes, with some buildings also being used for office/light industrial uses. The buildings which surround the site and the Limehouse Cut range in size and character and are predominantly 3-5 storeys in height, however it is noted that some larger scale buildings (both completed and under construction) exist to the south west of the application site, close to the Upper North Street bridge.
- 4.5. The application site falls within the Limehouse Cut conservation area, and there are no statutory or locally listed buildings within the immediate context of the site. It should also be noted that the application site falls within flood zone 2.

Proposal

- 4.6. The applicant is seeking planning permission for the construction of a 10 berth residential mooring for narrow boats (up to 15.5m in length), including the installation of an access bridge and deck, along with 3 pontoon platforms which will accommodate supporting infrastructure, including cycle and refuse storage.
- 4.7. The proposed mooring facility measures 188m in length and 5.5m in width at its widest point (inclusive of the pontoon platforms, but exclusive of the access bridge) and allows for the maintenance of a 12m wide clear channel for vessels along the Limehouse Cut. The main access deck is offset from the existing canal edge by approximately 1.6m.
- 4.8. Reed planting between the pontoon deck and the canal bank along the full length of the proposed mooring facility is also proposed.

Relevant Planning History

Application Site

- 4.9. None.

Surrounding Sites

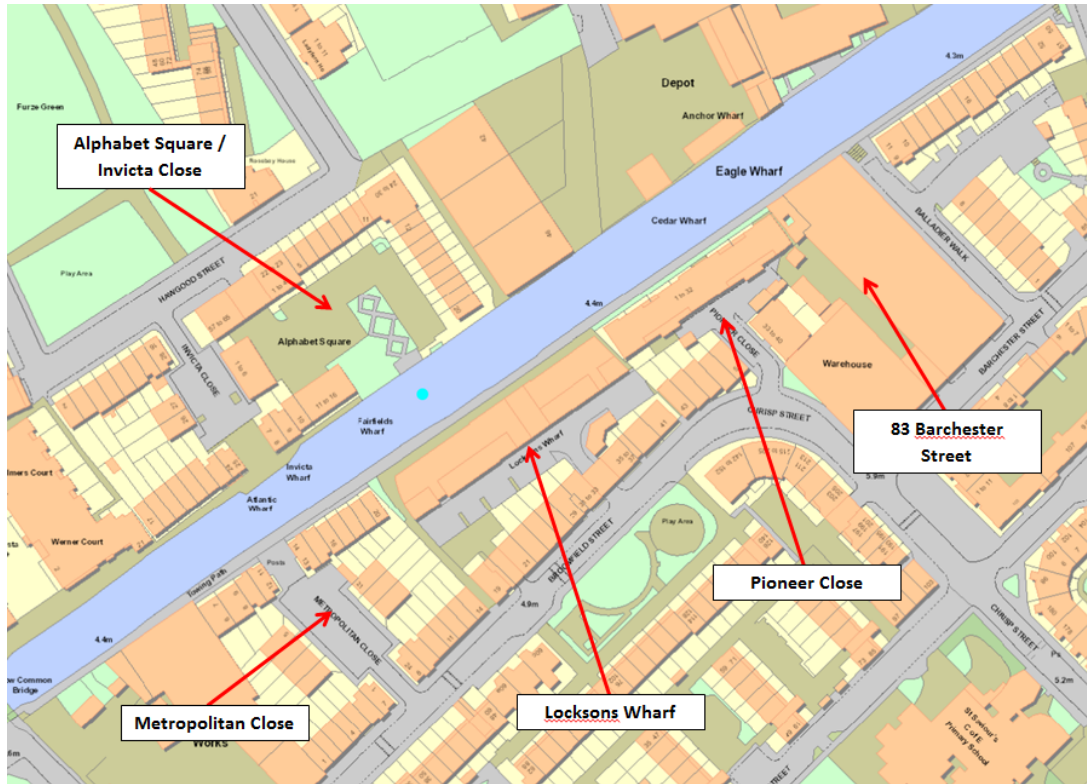


Fig.2 – Location of Surrounding Sites

Alphabet Square / Invicta Close

- 4.10. PA/88/00673 – Erection of industrial workshops with ancillary storage, office and/or residential space with the provision of three general industrial units. (Permission granted 15/11/1988)
- 4.11. PA/91/00144 – Retention and completion of development comprising 72 mixed business/residential units and 1605sqm of industrial/warehousing floor space. (Permission granted 17/08/1995)
- 4.12. PA/98/01578 – Erection of 36 residential units and 4 live/work units. (Permission granted 12/08/1999)
- 4.13. PA/00/00528 - Erection of security gates and fence at main entrance to square, plus fence with pedestrian gate at side entrance (Hawgood Street). (Permission granted 30/06/2000)

Pioneer Close

- 4.14. PA/03/01266 - Erection of 26 two bed flats, 14 three bed flats and 5 five bed houses with the formation of a new vehicular access to Broomfield Street and associated parking and hard and soft landscaping. (Permission granted 12/01/2005)

Locksons Wharf

- 4.15. PA/01/01786 - Redevelopment by the erection of two 4 storey blocks and one 5 storey block, to provide 102 flats and maisonettes with associated car parking and landscaping together with the formation of new means of vehicular access to the

highway and a pedestrian access to Limehouse Cut. (Permission granted 13/08/2004)

Metropolitan Close

- 4.16. PL/97/00014 - Residential redevelopment comprising 22 No two storey houses with gardens and 16 No flats in three storey blocks with car parking and landscaping. (Permission granted 07/04/1998)

83 Barchester Street

- 4.17. PA/14/02607 - Demolition of existing warehouse building and ancillary structures and part demolition of 'saw-tooth' factory building (retaining three walls of facade). Construction of three buildings ranging from four to six storeys to provide 115 residential dwellings, basement, access and surface parking, landscaping and other incidental works to the application. (Permission granted 26/03/2015)

5.0 POLICY FRAMEWORK

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.

- 5.2. The list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:

5.3. Government Planning Policy

National Planning Policy Framework (March 2012) (NPPF)
National Planning Guidance Framework (March 2014) (NPPG)

5.4. London Plan 2016

- 2.18 Green infrastructure: the multi-functional network of green and open spaces
- 3.3 Increasing Housing Supply
- 5.12 Flood risk management
- 5.17 Waste capacity
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.14 Improving air quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.18 Protecting open space and addressing deficiency
- 7.19 Biodiversity and access to nature
- 7.24 Blue ribbon network
- 7.27 Blue ribbon network: supporting infrastructure and recreational use
- 7.28 Restoration of the blue ribbon network

7.30 London's canals and other river and waterspaces

5.5. Core Strategy 2010

SP02 Urban living for everyone
SP03 Creating healthy and liveable neighbourhoods
SP04 Creating a Green and Blue Grid
SP05 Dealing with waste
SP09 Creating Attractive and Safe Streets and Spaces
SP10 Creating Distinct and Durable Places
SP12 Delivering placemaking

5.6. Managing Development Document April 2013

DM3 Delivering Homes
DM9 Improving air quality
DM10 Delivering open space
DM11 Living buildings and biodiversity
DM12 Water spaces
DM14 Managing Waste
DM20 Supporting a sustainable transport network
DM22 Parking
DM23 Streets and the public realm
DM24 Place sensitive design
DM25 Amenity
DM27 Heritage and the historic environment

5.7. Supplementary Planning Documents

Limehouse Cut Conservation Area character appraisal and management guidelines (adopted August 2011)

5.8 The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits

Statutory public consultation on the 'Regulation 19' version of the above emerging plan commenced on Monday 2nd October 2017 and will close on Monday 13th November 2017. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning Practice Guidance (Local Plans). These provide that from the day of publication a new Local Plan may be given weight (unless material considerations indicate otherwise) according to the stage of preparation of the emerging local plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the NPPF. Accordingly as Local Plans progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. As the Regulation 19 version has not been considered by an Inspector, its weight remains limited. Nonetheless, it can be used to help guide planning applications and weight can be ascribed to policies in accordance with the advice set out in paragraph 216 of the NPPF.

6.0 CONSULTATION RESPONSE

6.1. The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

- 6.2. The following were consulted regarding the application:

INTERNAL RESPONSES

LBTH Biodiversity Officer

- 6.3. The revised proposals include reed planting between the pontoon and the canal bank which will increase the area of reed bed by 150sqm, along with fish refuges beneath the pontoon. These measures will ensure overall enhancements for biodiversity, contributing to objectives in the Local Biodiversity Action Plan (LBAP), and should be secured via condition.

LBTH Environmental Health – Air Quality

- 6.4. In order to ensure that the proposal does not generate adverse noise and pollution issues generated by the diesel engines of the narrow boats, a condition requiring the installation and use of electric charging points should be imposed.

LBTH Environmental Health – Contaminated Land

- 6.5. A compliance condition should be imposed which requires the submission of an investigation and risk assessment along with a remediation strategy and verification plan only in the event that contamination is found to be present at the site.

LBTH SUDS Officer

- 6.6. No comments received.

LBTH Transport and Highways

- 6.7. The proposed development should be secured as car free. Whilst the quantum of cycle parking spaces proposed is accepted, further details of the proposed cycle stands should be provided.

LBTH Waste Policy and Development

- 6.8. The applicant is required to clarify the breakdown of refuse/recycling being proposed along with confirmation that they have permission for Invicta Close to be used for waste collections. Both the trolleying distance from the bin holding area to the waste collection vehicle and the carrying distance for residents to the bin store areas should also be confirmed with the former being no more than 10m, and the latter being no more than 30m.

EXTERNAL RESPONSES

Canal and River Trust

- 6.9. In the event that planning permission is granted conditions requiring the submission of: a construction management plan; further details of infrastructure provision and bins and cycle storage; drainage details; lighting details, and; biodiversity mitigation/enhancement measures should be imposed.

Crime Prevention Officer

- 6.10. A condition should be imposed requiring the applicant to meet 'Secure by Design' accreditation for this development, along with an informative requiring the applicant to seek the advice of the Metropolitan Police's advice prior to seeking to discharge the aforementioned condition.

Environment Agency

- 6.11. No objections subject to conditions requiring the submission of: further details of the bridgehead design; lighting details, and; biodiversity mitigation/enhancement measures.

Transport for London

- 6.12. TFL has no objection to this application.

7.0 LOCAL REPRESENTATION

- 7.1. A total of 482 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site by way of a site notice and advertised in the local press.

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

No of individual responses:	Objecting: 26
	Supporting: 2

No of petition responses:	Objecting: 0
	Supporting: 0

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

- Noise and air pollution generated from boat engines, generators and heating
- Adverse impact on local wildlife
- Odour from waste disposal and additional litter in the canal and towpaths
- Views of the water from existing properties will be obscured
- Adverse impact on the privacy of existing residents
- Noise, dust and pollution from construction works
- Additional pressure on local services
- Increase in anti-social behaviour
- Adverse impact upon local character and the Limehouse Cut conservation area
- Reduction in water space will discourage the use of the canal for water sports
- Adverse impact on local house prices

- Concerns surrounding the servicing of the proposed mooring facility

7.4. The following issues were raised in support of the proposal:

- The proposal will enhance the character of the canal
- Safety will be improved along the canal and it will deter loiterers

8.0 MATERIAL PLANNING CONSIDERATIONS

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

- Land Use
- Design
- Amenity
- Highways and Transportation
- Refuse
- Environmental Considerations
- Conclusion

Land Use

Policy Context

- 8.2. Policy 3.3 of the London Plan (2016) sets out the borough's housing targets until 2025, and states that Tower Hamlets is required to deliver a minimum of 3,931 new homes per year. Policy 7.18 states that *"the loss of protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area"*. Policy 7.27 states that *"development proposals should enhance the use of the Blue Ribbon Network"* and that *"new mooring facilities should normally be off line from main navigation routes"*. Policy 7.28 states that *"development proposals should restore and enhance the Blue Ribbon Network by preventing development and structures into the water space unless it serves a water related purpose"*. Finally policy 7.30 states that *"development proposals along London's canal network [...] should respect their local character and contribute to their accessibility and active water related uses"*.
- 8.3. The Council's Core Strategy Policy SP02 *"seeks to deliver 43,275 new homes from 2010 to 2025 in line with housing targets set out in the London Plan"* and *"ensure new housing assists in the creation of sustainable places"*. Policy SP04 seeks to *"deliver a network of high quality, usable and accessible water spaces, through: protecting and safeguarding all existing water spaces from inappropriate development [and] ensuring residential and commercial moorings are in locations that do not negatively impact on waterspaces or navigation"*.
- 8.4. The Council's Managing Development Document policy DM3 states that *"development should provide a balance of housing types"*. Policy DM10 states that *"development on areas of open space will only be allowed in exceptional circumstances where it provides essential facilities to ensure the function, use and enjoyment of the open space"*. Policy DM12 states that *"development within or adjacent to the Blue Ribbon Network will be required to demonstrate that there is no adverse impact on the Blue Ribbon Network [and] will need to identify how it will*

improve the quality of the water space and provide increased opportunities for access, public use and interaction with the water space”.

Loss of Existing Open Water Space

- 8.5. The application site is an area of water space sited on the north side of the Limehouse Cut canal which is classed as a *sui generis* use as it does not fall within any specific use class.
- 8.6. Whilst London Plan, Core Strategy and Managing Development Document policies generally seek to protect water spaces from development, said policies do allow for the creation of development and structures within water spaces where they serve a water related purpose, do not adversely impact upon navigability, and promote the vitality and attractiveness of London’s canal network and increase opportunities for interaction with the water space.
- 8.7. Officers consider that the proposed residential moorings do serve a water related purpose, i.e. they will moor water based vessels, and are also content that the proposal does not adversely impact upon the navigability of the canal due to the fact that the proposed moorings are located on the ‘off line’ side of the canal, i.e. outside of the main navigation channel which runs to the south of the proposal. It is also considered that the proposed residential moorings will contribute towards the diversity and vibrancy of the Limehouse Cut and will also increase opportunities for interaction with the water space.
- 8.8. Limehouse Cut is currently used by a number of users for a variety of waterborne leisure activities, and in order for the loss of existing open water space to be acceptable in this instance the proposed development should not adversely impact upon the ability for the Limehouse Cut to continue to be used for waterborne leisure activities. Given that the proposal only occupies a short stretch of the canal (188m) and sits on the ‘off line’ side of the canal and still allows for a 12m wide clear channel beside it, officers are content that the proposed development will not affect the ability of the Limehouse Cut to continue to be used for waterborne leisure activities.

Principle of Residential Moorings

- 8.9. The proposed development would result in the creation of 10 residential moorings which are intended to be long term moorings to be used as the occupant’s sole or primary residence. Residential moorings do not fall within use class C3 (like other traditional residential properties) and instead are classed as a *sui generis* use as they do not fall within any specific use class.
- 8.10. As residential moorings do not fall within use class C3, the creation of new residential moorings cannot be counted towards the Borough’s housing delivery targets, and affordable housing provision cannot be secured on such developments. In spite of the above however, the provision of such development does in reality meet a need and provides additional residential accommodation within the Borough and is thus in principle supported by officers.

Conclusion

- 8.11. The loss of existing open water space, and the provision of residential moorings can be considered to be acceptable in this instance as the proposed development meets the relevant exceptions in policy for developing within water space, does not

adversely impact upon the navigability of the Limehouse Cut nor its use for waterborne leisure activities, and also provides additional residential accommodation within the Borough.

Design

Policy Context

- 8.12. Policy 7.1 of the London Plan (2016) seeks to ensure that *“the design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood”*. Policy 7.2 seeks to ensure *“the principles of inclusive design [...] have been integrated into the proposed development”*. Policy 7.3 seeks to ensure that development reduces *“the opportunities for criminal behaviour and contributes to a sense of security”*. Policy 7.4 seeks to ensure that *“buildings, streets and open spaces should provide a high quality design response that contributes to a positive relationship between the urban structure and natural landscape features”*. Policy 7.5 seeks to ensure that *“development should make the public realm comprehensible at a human scale”*. Policy 7.6 seeks to ensure that *“buildings and structures should be of the highest architectural quality”*. Finally policy 7.8 states that *“development affecting heritage assets and their settings should conserve their significance”*.
- 8.13. The Council's Core Strategy policy SP10 seeks 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 surrounds”*. Policy SP12 seeks to enhance placemaking through *“ensuring development proposals recognise their role and function in helping to deliver the vision, priorities and principles for each place”*.
- 8.14. The Council's Managing Development Document policy DM23 states that *“development will be required to improve safety and security without compromising good design and inclusive environments”*. Policy DM24 states that *“development will be required to be designed to the highest quality standards, incorporating principles of good design, including: ensuring design is sensitive to and enhances the local character and setting of the development”*. 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’”*.

Layout and Scale

- 8.15. The proposed pontoon structure is 188m in length and 2m in width and features 3 platforms along its length measuring 4m in length and 5.5m in width, along with a further platform close to the bridgehead measuring 5m in length and 3.5m in width. The bridgehead itself would measure 13m in length and 1.2m in width.
- 8.16. The overall layout and scale of the proposed development, which has been significantly amended by the applicant during the application process, has been designed and positioned in a manner so as not to appear overly dominant nor significantly impact upon the open character of the Limehouse Cut. In order to achieve these objectives the applicant has positioned the proposed mooring facility along the 'off line' side of the canal adjacent to an existing high wall, incorporated platforms at intervals along the pontoon to break up the massing of the overall

mooring facility, and any structures on the pontoon have been kept to a minimum, both in quantum and scale.

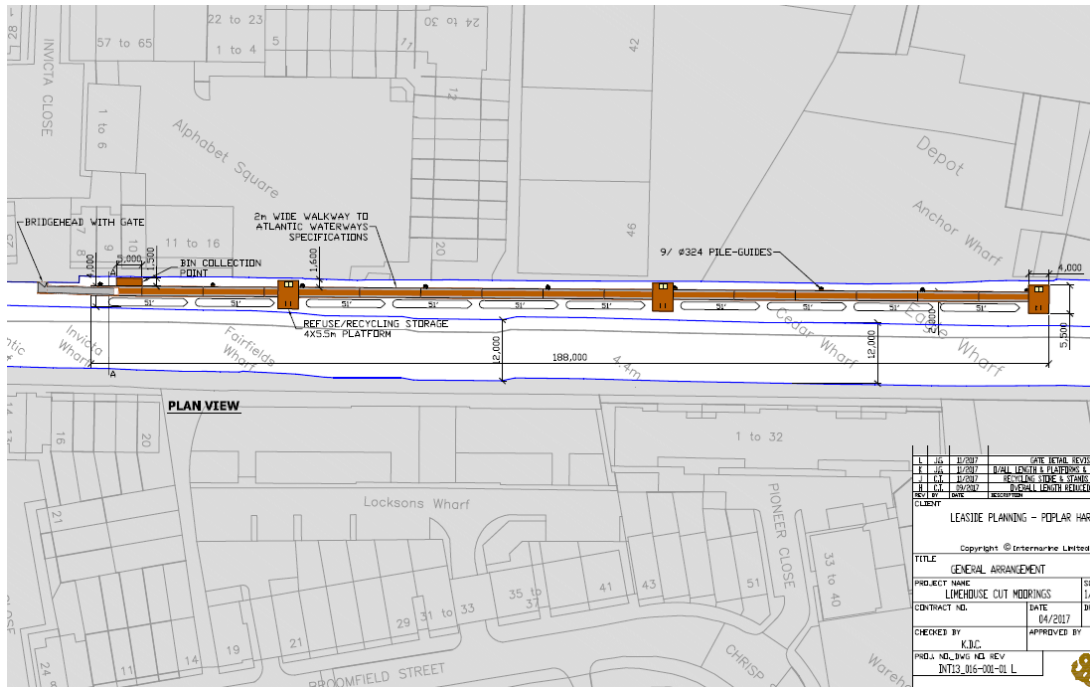


Fig.3 – Proposed Site Plan

- 8.17. A number of visuals have been presented by the applicant which demonstrate that the measures employed (as outlined above) to reduce as far as possible the impact of the proposal on the openness of the Limehouse Cut are successful in this respect.



Fig.4 – CGI of Proposed Mooring Facility Looking North West



Fig.5 – CGI of Proposed Mooring Facility Looking East

- 8.18. The proposed refuse and recycling storage structures (of which there are 3 in total) are only 1.2m in height, and due to the fact that these structures sit directly in front of a 3.5m high concrete wall (when viewed from the towpath on the opposite side of the canal), it is not considered that these structures would have an adverse impact upon the open character of the Limehouse Cut. The 10 x 3.5m high pontoon guides which will secure the proposed pontoon in place have a diameter of less than 0.5m and would not extend higher than the adjacent concrete wall and as such will have a minimal impact on the open character of the Limehouse Cut. The only structure proposed on the adjacent path atop the canal wall is a 1.6m wide and 2.15m high metal entrance gate which is to be painted black to match the existing railings atop the canal wall.
- 8.19. The proposed mooring has been designed to accommodate a maximum of 10 boats measuring a maximum of 2.1m in width and 15.5m in length laid out 'nose to tail' along the length of the proposed mooring facility. In order to prevent the eventuality of any larger vessels occupying the proposed moorings, which could in turn create a navigation issue, a condition restricting the size of boat allowed to be moored in this facility to 2.1m in width and 15.5m in length will be imposed should planning permission be granted.

Appearance

- 8.20. The proposed pontoon deck is to be finished in a sand coloured anti-slip hardwood material, whilst the refuse/recycling stores will be finished in timber to match the pontoon deck. The bridge, bridgehead and access gate are to be constructed out of metal and painted in black to match the existing railings atop the canal wall which is considered to be an appropriate approach in design terms. Extensive reed planting between the pontoon structure and the existing concrete wall will help to soften the visual appearance of the proposed mooring facility whilst also providing biodiversity benefits.
- 8.21. The proposed material palette for the scheme, which has a natural feel to it, is appropriate and robust, and will also complement the existing character of the Limehouse Cut canal. Further details and physical samples of the proposed material palette, including the pontoon deck and refuse/recycling store cladding,

along with details regarding the lighting of the mooring facility will be required by condition, and be subject to further review, in the event that planning permission is granted.

Heritage Considerations

- 8.22. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of its planning functions, that the Council shall pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 8.23. Paragraph 129 of the NPPF requires the LPA to identify and assess the significance of any heritage asset that may be affected by a proposal and to take this assessment into account when considering the impact of the proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 132 goes on to provide that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 8.24. There are no statutory listed buildings that sit within close proximity to the application site which would be affected by the proposals. The application site does however sit within the Limehouse Cut conservation area. The character appraisal and management guidelines document for the conservation area promotes the introduction of additional waterside activity, the use of the Limehouse Cut by canal boats, and the siting of permanent moorings where possible. As such it is considered that the proposed development accords with the aspirations of the conservation area and can be seen to enhance the character of the Limehouse Cut conservation area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Secure by Design

- 8.25. The proposed mooring facility only has one means of access from the public realm, which is through the main access gate from Invicta Close at the western end of the site. This entrance gate is proposed to be 2.15m in height and 1.6m in width, and is proposed to be constructed out of metal and painted black to match the existing railings atop the canal wall.
- 8.26. The Metropolitan Police's Secure by Design officer had no in principle objections to the proposal and requested a pre-commencement Secure by Design condition to be imposed in the event that planning permission is granted, in order to ensure that the proposal fully complies with the principles and practices of the Secure by Design scheme.

Conclusion

- 8.27. The proposed design of the scheme is acceptable in terms of its layout, scale and appearance, as the proposal does not significantly impact upon the open character of the Limehouse Cut, features a high quality material palette, and also has been designed with Secure by Design principles in mind. As such officers can conclude that the application is acceptable in design terms.

Amenity

Policy Context

- 8.28. According to paragraph 17 of the NPPF local planning authorities should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.29. Policy 7.6 of the London Plan (2016) seeks to ensure that development does *“not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate”*.
- 8.30. The Council’s Core Strategy policy SP10 (4) seeks to ensure that development *“protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight)”*.
- 8.31. The Council’s Managing Development Document policy DM25 states that *“development should 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”*.

Impact on Neighbouring Amenity

- 8.32. The nearest residential properties to the site are located adjacent to the canal side path (no’s. 7-16 and 24-25 Invicta Close and no. 20 Alphabet Square) and sit 6m from the proposed pontoon. It should be noted however that given the variable levels between the canal side path and the pontoon deck, and the presence of the 3.5m high canal wall, it is not considered that the proposal is likely to result in any notable adverse amenity implications for existing neighbouring residents and building occupiers with respect to overlooking and privacy, outlook, and daylight and sunlight.
- 8.33. Access to the proposed pontoon from the canal side path via the bridgehead has been carefully considered to minimise any amenity impacts on existing neighbouring properties, with the location of this access point being centred between the 11m gap between no’s 7-8 and 24-25 Invicta Close.
- 8.34. With respect to any adverse noise and odour implications generated by the development, such as from users (in reference to the former), and from the refuse store (in reference to the latter), a condition would be imposed to request a site management plan prior to the occupation of the mooring facility (in the event that planning permission is granted) to ensure that appropriate measures are put in place in order to minimise/negate any such impacts. The applicant has already committed to providing 10 electrical points (one for each mooring) and incorporating within the lease a clause which prohibits the burning of solid fuels on-board boats and the pontoon, and the site management plan condition would seek further details of these commitments, amongst any other necessary measures to minimise/negate the amenity implications of the proposal.

Amenity of Future Occupants

- 8.35. The surrounding area already features a number of residential properties and officers consider in principle that the application site is a suitable location for residential uses in terms of the level of amenity that future residents may be afforded. Whilst the exact nature of each individual residential boat to be moored on site is unknown, it is likely that future occupants will experience good levels of

daylight and sunlight and outlook, by virtue of the relative openness of the site, and also will likely experience good levels of privacy due to the fact that the moorings themselves are notably offset from the canal edge and towpath on the opposite side of the canal.

Conclusion

- 8.36. The proposal would not adversely impact the amenity of surrounding residents and building occupiers (subject to necessary conditions), and would also likely afford future occupiers of the proposed residential moorings a suitable level of amenity. As such the proposed development can be seen to be in accordance with policy SP10 (4) of the Core Strategy (2010) and policy DM25 of the Managing Development Document (2013) and is thus acceptable in amenity terms.

Highways and Transportation

Policy Context

- 8.37. Policy 6.3 of the London Plan (2016) states that *“development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network”*. Policy 6.9 states that *“developments should: provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards [...] and the guidance set out in the London Cycle Design Standards”*. Policy 6.13 states that *“in locations with high public transport accessibility, car-free developments should be promoted (while still providing for disabled people)”*.
- 8.38. The Council’s Core Strategy policy SP09 seeks to *“ensure new development has no adverse impact on the safety and capacity of the road network”* and promote *“car free developments and those schemes which minimise on-site and off-site car parking provision, particularly in areas with good access to public transport”*.
- 8.39. The Council’s Managing Development Document policy DM20 states that *“development will need to demonstrate it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network”*. Policy DM22 states that *“where development is located in areas of good public transport accessibility and/or areas of existing on-street parking stress, the Council will require it to be permit-free”* and that *“development will be required to meet, and preferably exceed, the minimum standards for cycle parking”*.

Highway Impact

- 8.40. In order to ensure that the proposed development does not have an adverse impact on the local highway network the proposed residential moorings will be required to be car free, and a condition requiring the applicant to enter into a legal agreement to secure the development as car free will be imposed in the event that planning permission is granted.
- 8.41. Whilst the development is considered to have poor access (PTAL 2) to the local public transport network, it is considered to have good access to local walking and cycling routes, and as such it is envisaged that future residents have sufficient alternative options to private vehicular transport. Given the scale of the proposed

development it is not considered that it will have an adverse impact upon the local public transport network.

Parking

- 8.42. In order to comply with the London Plan (2016) cycle parking standards a minimum of 10 cycle parking spaces are required to be provided for the proposed development, i.e. 1 space per mooring. The applicant has proposed to provide a total of 12 cycle parking spaces for the development which is in excess of the minimum requirements, and is welcomed.
- 8.43. All of these cycle parking spaces would be in the form of Sheffield type stands and would be located on the southern sides of the 3 proposed platform structures. Whilst the proposed cycle parking spaces can be considered secure, by virtue of them being located on a private pontoon which features secure access arrangements, as well as being easily accessible, it is noted that the proposed cycle parking spaces would not be under cover. Due however to the adverse impact on the open character of the Limehouse Cut which would be created by covered cycle parking spaces on the pontoon platforms, officers are of the opinion that uncovered cycle parking spaces in this instance are on balance more appropriate given the nature of this proposal.
- 8.44. A condition requiring the proposed cycle parking spaces to be in place prior to the occupation of the proposed mooring facility and retained for the lifetime of the development would be imposed in the event that planning permission were to be granted.

Servicing

- 8.45. Due to the fact that the site has limited access from the public highway network, due to its location on the canal, the applicant has proposed to establish an alternative means of servicing the site. Instead of Council refuse lorries collecting waste from site the applicant would use their private refuse collection contractor who would collect waste from the site once per week. The costs of such a service would then be incorporated into the service charge which would be payable by each boat owner.
- 8.46. Refuse vehicles servicing the site would do so from the adjacent Invicta Close which is a private access road owned and managed by East Thames Limited. In the absence of a formal agreement between the applicant and East Thames Limited to formalise such an arrangement (which would incur notable costs for the applicant prior to them having the certainty of planning permission for the proposal), the applicant has provided correspondence from East Thames Limited confirming an in principle acceptance of such an arrangement. In light of this correspondence and subject to a 'Grampian style' condition restricting the commencement of works prior to the Council receiving a copy of the formal agreement between the two parties to service the site in this manner, it is considered as though the site would be able to be serviced in an acceptable manner.
- 8.47. In order to ensure that future servicing operations do not adversely impact upon existing residents on Invicta Close further details of the servicing arrangements for the site would also be requested as part of the site management plan which would form a condition of the consent.

Conclusion

- 8.48. The proposal would not have an adverse impact upon either the local highway or public transport network, would provide appropriate cycle parking arrangements, and would be serviced in an appropriate manner. As such the proposal is considered to be acceptable in highways and transportation terms.

Refuse

Policy Context

- 8.49. Policy 5.17 of the London Plan (2016) states that development proposals should be “*minimising waste and achieving high reuse and recycling performance*”.
- 8.50. The Council’s Core Strategy policy SP05 (1) states that development should “*implement the waste management hierarchy of reduce, reuse and recycle*”.
- 8.51. The Council’s Managing Development Document policy DM14 (2) states that “*development should demonstrate how it will provide appropriate storage facilities for residual waste and recycling as a component element to implement the waste management hierarchy of reduce, reuse and recycle*”.

Assessment

- 8.52. The following table outlines LBTH’s minimum required waste storage requirements for this development along with the levels of waste storage being proposed:

Waste Stream	Required Storage (litres)	Proposed Storage (litres)
Refuse	700	1,080
Dry Recyclables	500	1,080
Food Waste	230	230

Fig.6 – Required and Proposed Waste Provision

- 8.53. For all three waste streams (refuse, dry recyclables and food waste) the levels of waste storage proposed either exceed or meet the minimum requirements which is welcomed.
- 8.54. Both refuse and dry recyclables waste provision will be provided for within three bin stores (one on each platform), each of which can accommodate 2 x 360l standard ‘wheelie bins’ (one for refuse and one for dry recyclables), whilst each mooring would be allocated an individual 23l food waste bin to be stored on each boat. On collection days (which would take place once per week) waste storage bins would be moved to the bin collection point at the bottom of the bridgehead access and then collected from Invicta Close by the applicant’s private waste contractor.
- 8.55. As all three of the proposed bin stores would be enclosed with waste being collected on a regular basis, it is considered that any odours created by waste are likely to be minimal and are unlikely to have an adverse impact upon surrounding residents and building occupiers. In order however to ensure that all reasonable measures to reduce any odours from the proposed bin stores are employed by the

applicant, further management details regarding the storage of refuse on site will be required as part of the site management plan which would be conditioned in the event that planning permission were to be granted.

Environmental Considerations

Policy Context

- 8.56. Policy 2.18 of the London Plan (2016) states that *“development proposals should incorporate appropriate elements of green infrastructure that are integrated into the wider network including the Blue Ribbon Network”*. Policy 5.12 of the London Plan states that *“development proposals must comply with the flood risk assessment and management requirements set out in the NPPF”*. Policy 7.14 states that states that *“development proposals should be at least ‘air quality neutral’ and not lead to further deterioration of existing poor air quality”*. Finally policy 7.19 states that *“development proposals should, wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity”*.
- 8.57. The Council’s Core Strategy policy SP03 states that development proposals should *“minimise and mitigate the impact of noise and air pollution”*. Policy SP04 states that the Council will *“promote and support new development that provides green roofs, green terraces and other measures to green the built environment”* and that *“all new development that has to be located in a high risk flood zone must demonstrate that it is safe [and] that all new development across the borough does not increase the risk and impact of flooding”*.
- 8.58. The Council’s Managing Development Document policy DM9 states that *“minor development will be required to submit details outlining practices to prevent or reduce associated air pollution during construction or demolition”*. Policy DM11 states that *“development will be required to provide elements of a ‘living building”* and will be required to deliver *“biodiversity enhancements in accordance with the Council’s Local Biodiversity Action Plan”*.

Air Quality

- 8.59. In order to ensure that the proposed development prevents and/or reduces associated air pollution during the construction process the applicant will be required to submit a construction environmental management plan which demonstrates that all reasonable measures to prevent and/or reduce associated air pollution during the construction process has been undertaken.
- 8.60. In the event that planning permission is granted, a condition would be imposed requesting the submission of a site management plan prior to the occupation of the mooring facility. This condition would seek further details of the proposed electrical points and would also restrict future users from burning solid fuels on-board boats and the pontoon, and seek details of how such a restriction would be enforced and managed. With the addition of this condition and the restrictions that it would impose on future occupiers of the development, it is considered that the proposed development would be acceptable in air quality terms.

Biodiversity

- 8.61. The application site sits within the London’s Canals Site of Importance for Nature Conservation (SINC), and as part of this application the applicant has provided both a habitat survey report and a scheme of biodiversity mitigation and

enhancements which assess the existing ecological value of the site and also propose a number of measures in an attempt to increase the biodiversity value of the site.

- 8.62. The revised application site boundary (which has reduced in size since the initial submission of the application) contains two artificial rafts, neither of which are currently being used by nesting birds. As the applicant is proposing to retain and relocate these rafts within the site boundary, and the Council's biodiversity officer has confirmed that there is little vegetation within this section of the Limehouse Cut, the proposed development will not have any adverse impact on existing biodiversity nor the SINC.
- 8.63. In order that the proposed development provides a net biodiversity enhancement to the site and the wider SINC, the applicant has proposed to introduce additional reed beds between the proposed pontoon and the wall of the canal totalling 150sqm, along with fish refuges beneath the pontoons. The Council's biodiversity officer is supportive of such measures and has requested that further details of these enhancements be requested by condition in the event that planning permission were to be granted.

Flood Risk

- 8.64. The application site falls within Flood Risk Zone 2 of the Environment Agency (EA) map, where the annual probability of river flooding is classified as being between 1 in 100 and 1 in 1000, and the annual probability of sea flooding is classified as being between 1 in 200 and 1 in 1000. Whilst Flood Risk Zone 2 represents an area with a medium probability of flooding, it should be noted that this area is well protected by the Thames Barrier.
- 8.65. The application is supported by a flood risk assessment which outlines that a water compatible proposal (such as this) is acceptable within Flood Risk Zone 2, and that flood warning and evacuation information will be located on the pontoon in a visible location and also given to all future occupiers upon commencement of their lease. It should also be noted that the proposal has been designed to allow for rising water levels in the event of a flood, as the entire mooring structure, including the access bridge and the structures on the pontoons themselves would rise or fall with changing water levels. This arrangement means that moored boats do not become lopsided or have strained fixings in the event of water levels rising in a flood, meaning that users of the proposed facility will be able to safely evacuate the pontoon structure to dry land where they can seek refuge.
- 8.66. The Environment Agency have reviewed the proposal and have concluded that they have no objection to the proposal in flood risk terms due to the fact that floating structures, such as those being proposed, offer safe access and egress routes to non-flooded areas. Given the EA's stance and the fact that suitable flood risk measures have been incorporated into the proposal to both inform future occupiers and allow them safe refuge, it is considered that the proposed development would be acceptable in flood risk terms.

Conclusion

- 8.67. The proposal is acceptable in air quality, biodiversity and flood risk terms and thus is considered to be in accordance with the relevant policies of the London Plan (2016), Core Strategy (2010) and Managing Development Document (2013) as set out within the policy context section of this chapter.

9.0 FINANCIAL 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. This is not applicable to this application.

9.4 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 however as this proposal does not include the creation of any new build floor space it is not liable for Mayoral CIL.

9.5 The Borough’s Community Infrastructure Levy came into force from 1st April 2015. The proposal would not be liable for Borough CIL as proposals for sui generis uses do not attract Borough CIL payments.

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 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:

- 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 In relation to this proposal, it should be noted that the proposed development is unlikely to be suitable for wheelchair users. The proposed residential

accommodation being proposed however falls outside of the C3 use class (under which a proportion of accessible homes would be required), would not count towards the Council's housing targets, and the very nature of houseboat living would also unlikely be either suitable or preferable to someone with such disabilities. Given the above and the small scale nature of this proposal, such an arrangement can thus be considered acceptable.

11.0 HUMAN RIGHTS CONSIDERATIONS

11.1 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:

11.2 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".

11.3 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.

11.4 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.

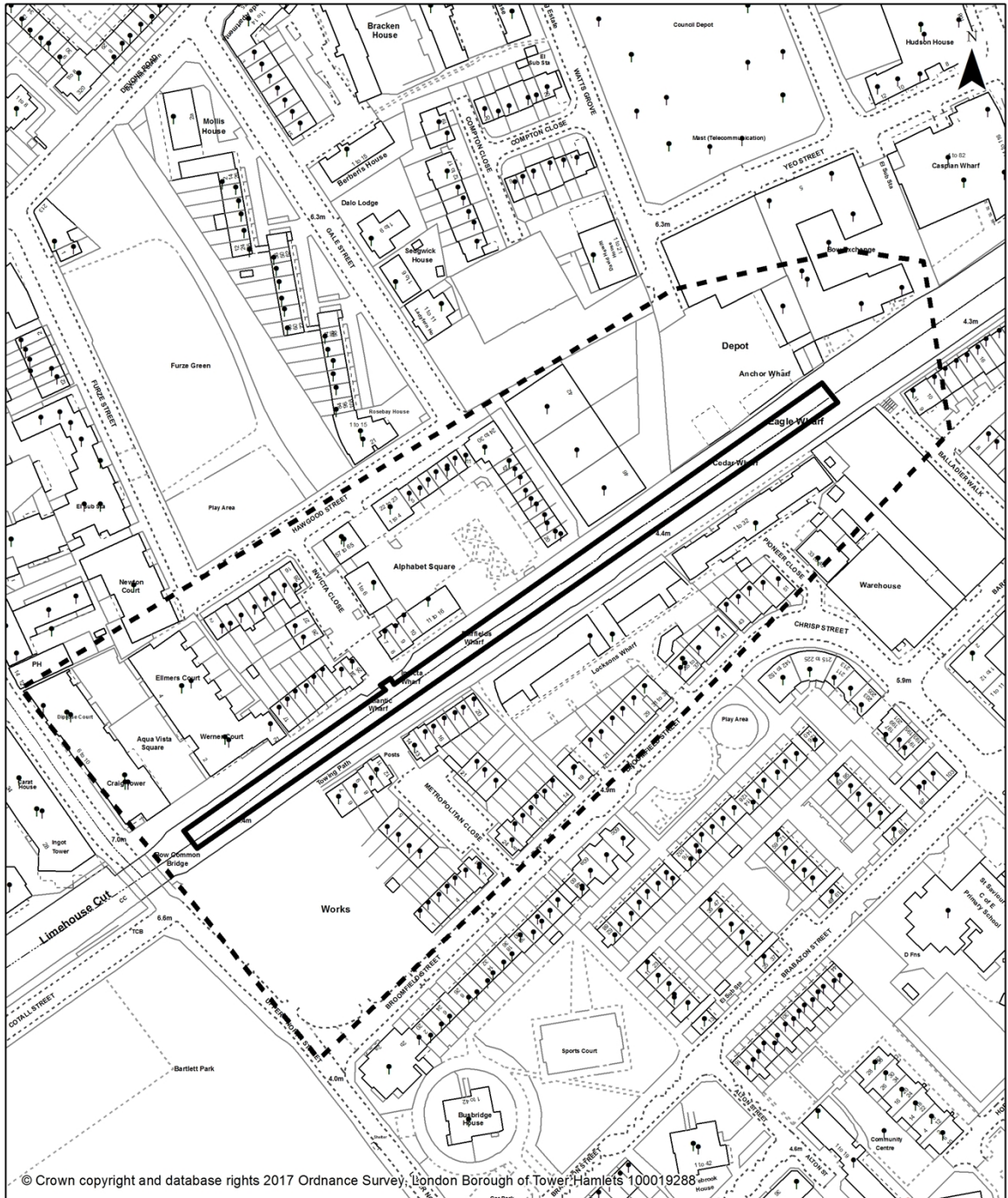
11.5 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

11.6 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.

12.0 CONCLUSION

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

13.0 SITE MAP



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-  Consultation Area
-  Planning Application Site Boundary
-  Statutory Listed Buildings
-  Locally Listed Buildings

Scale @ 1:1,800
 25 12.5 0 25 50 75 Meters

Planning Application Site Map PA/17/01359

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



GIS for
Place Directorate
LONDON BOROUGH OF TOWER HAMLETS
Date: 20/11/2017



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