

Committee: Development	Date: 8 th November 2017	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Applications for Planning Permission
Case Officer: Brett McAlister	Ref No: PA/17/01618
	Ward: Mile End

1. APPLICATION DETAILS

Location: (Locksley Estate Site D) Land at Salmon Lane and adjacent to 1-12 Parnham Street, London

Existing Uses: Green open estate land.

Proposal: 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.

2. **Background**

2.1 This application for planning permission was considered by the Development Committee on 11th October 2017. A copy of the original report is appended.

2.2 At the committee members were minded NOT TO ACCEPT officer recommendation and were minded to REFUSE planning permission for the following reasons:

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

2.3 This report has been prepared to discuss the implications of the reasons for refusal and to discuss any further information provided by the applicant following the committee.

3. **Post committee changes**

3.1. As reported to committee, the application proposed a 50/50 split between London Affordable Rent (Previously known as Social Target Rents) and Tower Hamlets Living Rent (similar to the POD rents).

3.2. Following the Committee's decision not to accept the officer recommendation, the applicant has submitted a revised proposal to amend the rental structure so that all the 17 units are proposed at London Affordable Rent. This is equivalent to the rental levels previously known as "Social Target Rent". The lower rents would be an additional public benefit arising from the development if permission were to be granted.

3.3. The following table shows the various rent options including the proposed London Affordable Rents:

2017/18	Including service charge	1 Bed	2 Bed	3 Bed	4 Bed
Average borough-wide market rents^	Yes	£340.12	£434.56	£545.18	£591.34
Local Housing Allowance (LHA)	No	£257.35	£302.33	£354.46	£417.02
Average Borough Framework Affordable Rents	Yes	£221.08	£239.01	£272.59	£295.67
LBTH Living Rents	Yes	£202.85	£223.14	£243.42	£263.71
London Affordable Rents ('social rents')	No*	£144.26	£152.73	£161.22	£169.70

^based on research by POD, external consultants

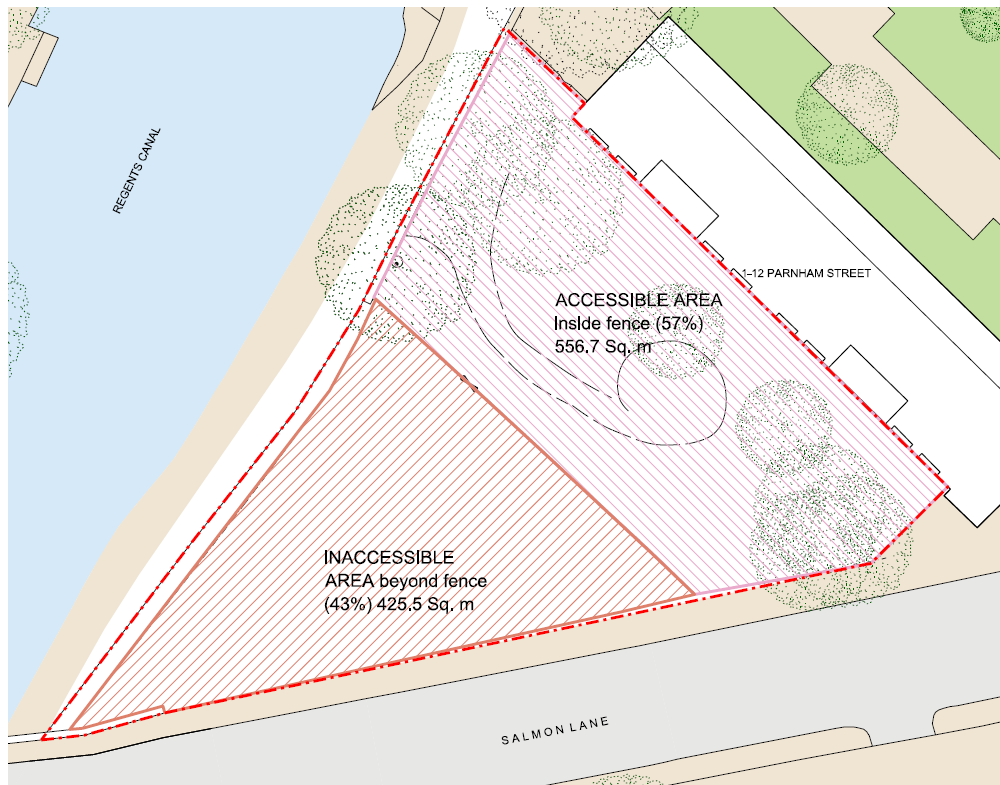
*service charges are estimated to be in the region of £20pw.

4.0 CONSIDERATION OF THE COMMITTEE'S REASONS FOR REFUSAL

- 4.1. The following section of the report looks at each of the concerns raised by committee members in more detail.

Loss of a publically accessible open space

- 4.2. The application site can be identified as having two distinct areas. A portion of the site, immediately to the rear of 1-12 Parnham Street is accessible and has been used in the past as 'communal amenity space' with residential access via a locked gate from Parnham Street. This area measures, approximately 556.7sqm and 57% of the application site (labelled B in the diagram below). This space could be considered to be communal amenity space serving the flats located at Parnham Street.
- 4.3. The second part of the site is secured by railings with no access arrangements. (Labelled A in the diagram below). This measures approximately 425.5sqm or 43% of the site. Council records are unable to confirm its previous usage, however it has been suggested that it was all one large communal amenity area serving 1-12 Parnham Street.



- 4.4. The Councils Local Plan contains two definitions of open space – publically accessible open space and general open space (wider definition). The definition of publically accessible open space is found within the Glossary of the Core Strategy p131. The Core Strategy defines Open Space (Publically accessible) as being:

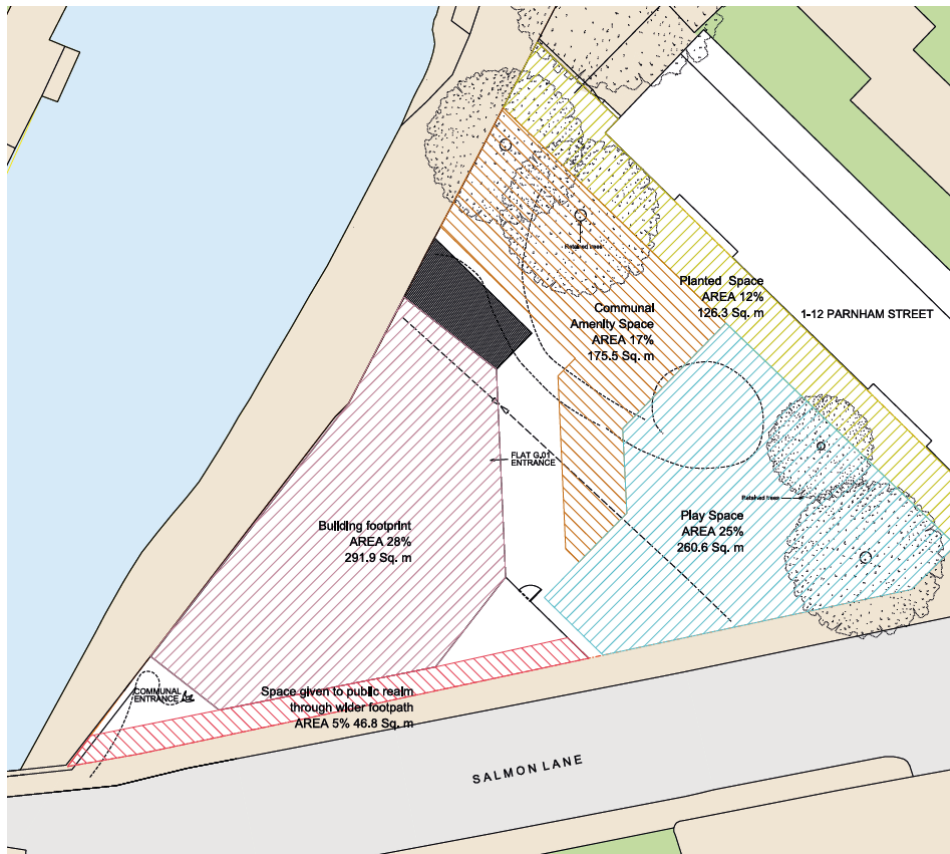
“Open space will be considered to be publicly accessible, where access for the public is secured by virtue of legal agreements and formal arrangement; whether it is in public or private ownership. Publicly accessible open space will not include areas of water such as rivers, canals, lakes, docks or incidental spaces”

- 4.5. The wider definition of open space says:

All open space that offers opportunity for play, recreation and sport or is of amenity value [emphasis added] including land, as well as areas of water such as rivers, canals, lakes and docks. This wider definition covers all open space, whether in public or private ownership, where public access is unrestricted, partially-restricted or restricted.

- 4.6. There is no legal agreement and formal arrangement for the use of the entire space, as such, officers maintain the view that the proposal does not result in a loss of “publically accessible open space”.
- 4.7. However, the space does have some visual amenity value; it is considered that it could fall within the wider definition of open space.
- 4.8. Policy SP04 of the Core Strategy is therefore applicable. This policy states the Council will “Deliver a network of open space by: Protecting and safeguarding all existing open space such that there is no net loss”.

- 4.9. The proposal would result in a loss of 304.6sqm of Open space of visual amenity value. This is approximately 31% of the site (areas A and B combined). The remaining is shown in the plan below. The remaining area is to be allocated as communal amenity, play space, a wider footpath and a planted area. As shown in the plan below:



- 4.10. In conclusion, the proposal would result in the loss of **open space** that offers visual amenity value, but has not been generally accessible to the public or (on the balance of probabilities) offered opportunities for sport, recreation or play.
- 4.11. Consequently, it falls to the Committee as decision makers to determine whether the loss of this area of partly un-used and inaccessible open space would be outweighed in planning policy terms by the benefits of delivering new affordable housing. The officer position is that that the balance falls in favour of the proposed development.

The impact on the setting of the Canal Towpath and the Regents Canal Conservation Area

- 4.12. The concern relating to the setting of the canal towpath and conservation area follow an objection from the Canal and River Trust (CaRT). A copy of their objection is appended to this report for information.
- 4.13. The following section of this report explains why officers do not agree with CaRT's position on this application.
- 4.14. Firstly, the following photographs help explain the relationship of the site to the Canal.



- 4.15. The above photograph shows the level difference between the western towpath on the right of the image with the application site which is above the wall on the eastern bank (not visible from this view).
- 4.16. The following photograph shows the towpath in question, the proposed building is to be located on the left hand side of the photo above the towpath wall. Two tall residential towers are visible in this view the one to the right more noticeable in the photo with the second tower partially visible to the left of the sun.



- 4.17. In relation to height, it is noted the immediate context is made up of buildings ranging from three to ten and 17 stories in height. The arrangement of a 8 storey block stepping down to 5 storeys successfully mediates between this range of building heights. The nine story element is located at the intersection of the canal and Salmon Lane forming a cluster of taller buildings with Anglia House (17 storeys) and Lowell Street (10) storeys.
- 4.18. The following photographs show some of these buildings, all within the immediate section of the facing or adjacent to the application site.



Photograph of the development opposite the site.



Photographs of the development opposite, further long and adjacent to the site.

4.19. CaRT suggest planning permission should not be granted because of the impact on the character and appearance of the Blue Ribbon Network, and its users.

4.20. The relevant part of their response which talks about the impact states

“We [CaRT] welcome the changes that have been made by the applicant to move the development back from the canal, reduce its height and address our concerns regarding materials at the top and base of the building. However, we remain of the opinion that the adverse impact on the quality of the environment of the Blue Ribbon Network around the bridge hole as a result of building so tall and so close to the back of an approx. 4m wall at the back of the towpath is excessive. We consider that the development will make the towpath in this location feel oppressive and give rise to increased fears of crime or anti-social behaviour (or instances of such). A 1m set back does not

overcome this, nor does a reduction from 9 to 8 stories on the tallest section immediately adjacent to the bridge hole.”

- 4.21. The response from CaRT suggests the main concerns are as a result of the building appearing *excessive* and *potential* to give rise to increased fears of crime or anti-social behaviour.
- 4.22. Your officers take a contrary position to CaRT and consider a building in this location will increase natural surveillance within an area that is already well overlooked by the opposite tow path, the green space from Stonebridge Wharf and from neighbouring residential buildings. The relationship in this particular location is similar to other locations along the canal and to have a building overlooking the towpath is considered a strong urban design principle applied to the site.
- 4.23. The view from Stonebridge Wharf is shown in the following photograph.



- 4.24. The following photograph is taken further south of the application site and shows a similar relationship to that proposed.



- 4.25. No objection is raised from the Crime Prevention Officer nor the Councils Urban Design officer.

4.26. In relation to the impact on the Regents Canal Conservation Area, CaRT state:

“The Trust previously raised concerns about the impact of the proposed development on the adjacent Regent’s Canal Conservation Area. We remain unconvinced that the development will preserve or enhance the character and appearance of the Conservation Area, as a result of its height and proximity to the towpath and particularly the Salmon Lane bridge hole. However, our primary concern and our objection in relation to this application is the impact on the Blue Ribbon Network and its users.”

4.27. As such, it is clear that CaRT remain *unconvinced* about the schemes impact on the Conservation area, with the primary concern being the impact on the Blue Ribbon Network.

4.28. Officers have considered the proposal in relation to the Conservation Area (as required by Section 72 of the Planning (listed Buildings and Conservation Areas) Act 1990. The proposed design would preserve and enhance the character and appearance of the conservation area. Notably the use of brick, accords with the material palette found within the locality and the proposed heights to be within the ranges of height seen within the surrounding context.

4.29. Overall, officers reasons set above and discussed within the committee report consider the proposed development, it’s siting and overall design to be an appropriate site specific approach that preserves the setting of the Regents Canal Conservation Area.

Conclusions

4.30. The proposal will result in the loss of 292sqm of Open Space, which is not publically accessible and has value in visual amenity terms only. The Committee should weigh this loss against the benefits of the proposed development, including the amended rental structure proposed .

4.31. The proposed high quality residential development scheme would provide much-needed affordable housing within the borough, of which there is a substantial demand, with very limited environmental effects. The development would have a positive relationship to the adjacent canal and towpath and would preserve and enhance the character and appearance of the Conservation Area. The officer recommendation remains to GRANT planning permission subjected to an amended obligation to secure 100% of the residential units at London Living Rents.

5.0 PROPOSED REASON’S FOR REFUSAL

5.1. The Committee is invited to take account of the above information before coming to a final decision.

5.2. If the Committee remains minded to refuse planning permission, the following reasons are provided based on the discussion at the previous committee meeting.

- 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.*

6.0 IMPLICATIONS OF THE DECISION

- 6.1. Following the refusal of the applications the following options are open to the Applicant. These would include (though not be limited to):
- 6.2. The applicant could submit an appeal to the Secretary of State. Appeals are determined by independent Planning Inspectors appointed by the Secretary of State. Appellants may also submit an application for an award of costs against the Council. Planning Inspectorate guidance on appeals sets out in paragraph B20 that:

“Planning authorities are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the Council”
- 6.3. There are two financial implications arising from appeals against the Council’s decisions. Firstly, whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of “unreasonable behaviour” as set out above.
- 6.4. Secondly, the Inspector will be entitled to consider whether proposed planning obligations meet the tests of CIL Regulations 2010 (Regulation 122). Whilst officers consider that the obligations sought do meet those tests, the decision will ultimately fall to the Inspector and so there is the possibility at least that he/she may form a different view.
- 6.5. Whatever the outcome, your officers would seek to defend any subsequent appeal.

7.0 RECOMMENDATION

- 7.1 Officers recommendation remains to **GRANT PLANNING PERMISSION**, subject to conditions as listed within the original committee report, amended to take account of the revised rental structure
- 7.2 In the event that the Committee resolve not to accept the recommendation and are minded to refuse planning permission, suggested reasons are set out in paragraph 5.2.