

Committee: Strategic Development	Date: 23 rd September 2009	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal Case Officer: Richard Murrell	Title: Deferred Item Ref No: PA/08/02239 (Planning Permission) PA/08/02240 (Conservation Area Consent) Ward: Mile End East
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1. APPLICATION DETAILS

Location: The Eric and Treby Estates, Treby Street, Mile End, London.

Existing Use: Housing estate

Proposal: Regeneration of existing estate comprising the refurbishment of existing buildings, the demolition of 27 bedsits, two x one bed flats at 1-14 Brookesley Street, 106-128 Hamlets Way and 1-7 Burdett Road and the erection of buildings between 2 and 7 storeys to provide 181 new residential units (comprising 19xstudio, 61x1bed, 52x2bed, 40x3bed and 9x5bed), a new community centre of 310 sq m, a new housing management office of 365 sq m and 85 sqm commercial space.

Drawing Nos/Documents: Drawing Numbers:

Site Plans - P0/01 REV F, P0/02, P0/03 REVB, P0/04 REVB, P0/05 REVF, P0/06 REVC, P0/07 REVA, P0/08 REVA, P0/09 REVC, P0/10 REVB, P0/11 REVB, P0/12 REVC, P0/14 REVB, P0/15 REVD, P0/16 REVD, P0/17 REVC, P0/18 REVC, P0/19 REVC, P0/20, P0/21, P0/22 REVB, P0/26 REVB, P0/27 REVB, P0/28 REVB, P0/29 REVB, P030 REVC, P0/31 REVC, P0/32 REVB, P0/33 REVC, P0/34 REVC

Site 1 - P1/01 REVC, P1/02 REVC, P1/03 REVD, P1/04 REVB, P1/05 REVC, P1/06 REVB, P1/07, P1/08, P1/09, P1/10 Site 2A and 2B - P2/01 REV E, P2/02 REVE, P2/03 REVD, P2/04 REVD, P2/05 REV D, P2/06 REV D, P2/07 REV D, P2/08 REV C, P2/09 REVC, P2/10 REV C, P2/11 REVC, P2/12 REV B, P2/13 REV B, P2/14 REVB, P2/15 REV A, P2/16 REV A, P2/17 REV A, P2/18 REVA, P2/19 REV A, P2/20

Site 4 - P4/01 REVC, P4/02 REVC, P4/03 Site 7 - P7/01 REVE, P7/02 REVD, P7/03 REVD, P7/04 REVB

Site 8 - P8/01 REVD, P8/02 REVD, P8/03 REVA Site 9 - P9/01 REV C, P9/02 REV C, P9/03 Site 10 - P10/01 REVD, P10/02 REVC, P10/03 REVC, P10/04 REVA, P10/05 REVB, P10/06 REVB, P10/07 Site 11 - P11/01

REVC, P11/02 REVD, P11/03 REVC, P11/04 REVC, P11/05 REVD, P11/06 REVD, P11/07 REVA, P11/08 REVA, P11/09 REVA, P11/10 REVA, P11/11 REVA Site 12 - P12/01 REVB, P12/02 REVC, P12/03 REVC, P12/04, P12/05, P12/06 Site 13 - P13/01 REVC, P13/02 REVB, P13/03, Site 14 - P14/01 REVC, P14/02 REVC, P14/03 REVA, P14/04 REVA Site 15 - P15/01 REVD, P15/02 REVD, P15/03 REVD, P15/04 REVD, P15/05 REVD, P15/06 REVC, P15/07 REVC, P15/08 REVC, P15/10 REVA, P15/11 REVA, P15/12 REVA, P15/13 REVA. Improvements and Repairs – R/01 REVC, R/02 REVB, R/03 REVC, R/04 REVC, R/05 REVC, R/06 REVC, R/07 REVC, R/08 REVB, R/09 REVB, R/10 REVA, R/11 REVB, R/12 REVB, R/13 REVB, R/14 REVB, R/15 REVB, R/16 REVB, R/17 REVA, R/18 REVA, R/19 REVB, R/20 REVB, R/21 REVB, R/22 REVB, R/23 REVB, R/24 REVA, R/25 REVA, R/26 REVA, R/27 REVB and R/28 REVA.

Supporting Documents:

- Planning and Regeneration Statement (Prepared by Leaside Regeneration dated October 2008)
 - Conservation Statement (Prepared by Leaside Regeneration dated October 2008)
 - Report on the availability of Natural Daylighting and Sunlighting (Prepared by calfordseaden dated October 2008)
 - Report on Daylight and Sunlight (Addendum prepared by calfordseaden dated January 2009)
 - Report on Daylight Availability (Further information prepared by calfordseaden dated March 2009)
 - Environmental Report (Prepared by Herts and Essex Site Investigations dated 7th March 2008)
 - Archaeological Assessment (Prepared by Sutton Archaeological Services dated October 2007)
 - Transport Assessment (Prepared by Peter Brett Associates dated September 2008)
 - Lighting Design Proposal (Prepared by David Wood Architects dated 19 September 2008)
 - Energy Statement (Prepared by Whitecode Design Associates dated June 2008)
 - Statement of Community Involvement (Prepared by Leaside Regeneration dated October 2008)
 - Flood Risk Assessment (Prepared by Amec dated - September 2008).
 - Aborigicultural Impact Assessment (Prepared by D F Bionominque Ltd dated 10th September 2008)
 - Noise Assessment (Prepared by Enviro Consulting Limited Dated October 2008)
 - Air Quality Assessment (Prepared by Enviro Consulting October 2008)
 - Phase 1 Desk Top Study Report (Prepared by Herts and Essex Site Investigations dated September 2008)
- East End Homes Ltd.

Applicant:

Ownership:	Various
Historic Building:	
Conservation Area:	Tower Hamlets Cemetery Conservation Area. Ropery Street Conservation Area.

2. RECOMMENDATION

2.1 That the Committee resolve to REFUSE planning permission subject to:

A. Any direction by The Mayor

For the following reason:-

1. The proposed development results in the net loss of publicly accessible open space to the detriment of the enjoyment of existing and future residents and the amenity of the area contrary to the objectives of London Plan (Consolidated with Alterations since 2004) policies 3A.6, 3D.13 and 4B.1, saved policy OS7 of the adopted Tower Hamlets Unitary Development Plan 1998 and policies OSN2, DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to improve amenity and liveability for residents.

2.2 That the Committee resolve to REFUSE Conservation Area Consent subject to:

A. Any direction of The Mayor

For the following reason:-

1. In the absence of an approved planning permission for the redevelopment of the site, the demolition of 1 – 14 Brokesley Street would leave an undeveloped site which would represent a blight on the character and appearance of the Tower Hamlets Cemetery Conservation Area contrary to the objectives of saved policy DEV28 of the adopted Tower Hamlets Unitary Development Plan 1998 and policy CON2 of the Council's Interim Planning Guidance (2007) Core Strategy and Development Control.

3. BACKGROUND

3.1 This application was originally reported to Members of the Strategic Development Committee on 2nd April 2009. There was insufficient time to hear the application and it was deferred until the committee meeting on 13th May 2009. At the May committee Members resolved that consideration of the application be deferred to allow time for additional information to be prepared in relation to the matters discussed in the meeting. Additional information was presented to Members, and the scheme recommended for approval in a report to Members at the Strategic Development Committee meeting on 25th June 2009.

The Committee indicated that it was minded to refuse planning permission on the grounds of:-

- i) loss of open space;
- ii) loss of car-parking, especially disabled parking;
- iii) low number and percentage of social housing; and
- iv) design and amenity issues

3.2 Member's voted to defer making a decision to allow Officer's to prepare a supplemental

report setting out the reasons for refusal and the implications of the decision. The next section of this report discusses the implications of the proposed reasons for refusal.

3.3 The following background documents are appended to this report

Town Planning Application report dated 13th May 2009,
Update report dated 13th May 2009,
Minutes of Strategic Development Committee 13th May 2009,
Deferred Item report dated 25th June 2009,
Minutes of Strategic Development Committee 25th June 2009.

4 CONSIDERATION OF PROPOSED REASONS FOR REFUSAL AND IMPLICATIONS OF DECISION.

4.1 The Town and Country Planning Act 1990 (as amended) legislation requires that in dealing with an application for planning permission a local planning authority

'shall have regard to the provisions of the development plan, so far as material to the application, and to any other material planning considerations'.

4.2 In Tower Hamlets the adopted development plan comprises the London Plan (Consolidated with Alterations since 2004) and the Tower Hamlets Unitary Development Plan 1998. The Council's Interim Planning Guidance (2007): Core Strategy and Development Control is also a material consideration.

4.3 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that when considering a planning application

'the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

4.4 When planning permission is refused the Town and Country Planning (General Development Procedure) Order requires that the local planning authority

'shall state clearly and precisely their full reasons for the refusal, specifying all policies in the development plan that are relevant to the decision'

4.5 Where a local planning authority fails to have proper regard to these requirements it could be at risk of maladministration. If a refusal of planning permission is subject to an appeal, and any given reason is not fully substantiated, the Council could be at risk of costs being awarded against it.

4.6 In this context it is clear that when acting as the local planning authority the Council must give sound planning reasons when it determines to refuse an application. Officer's have been mindful of these requirements, and would offer the following advice on the proposed reasons for refusal given by Members at the previous meeting.

Loss of open space

4.7 The scheme does result in a net loss of publicly accessible open space. The acceptability of this loss, when balanced against other planning policy objectives, is a matter of judgement. The refusal of the scheme on this ground is considered reasonable and a proposed reason for refusal is included under Section 2: Recommendation of this report.

Loss of car-parking, especially disabled car-parking.

- 4.8 Officer's would re-iterate that currently Eastend Homes have issued 76 car-parking permits and 49 garage permits to existing residents. The application proposes to provide a total of 91 spaces and 62 garages. This is sufficient to re-provide spaces for existing residents with permits.
- 4.9 Thirteen of the 15 new space spaces are for designated wheelchair units, with the two remaining spaces for visitor parking. There are currently no reserved disabled spaces on the estate.
- 4.10 Adopted Council policy and London Plan policy places considerable emphasis on encouraging more sustainable forms of transport, and there is a general presumption against the provision of additional car-parking.
- 4.11 In the current policy context, and given that the scheme re-provides parking spaces for those residents with permits, Officer's do not consider that a reason for refusal based on loss of car-parking could be substantiated.

Low number and percentage of social housing

- 4.12 The application would provide 19 entirely new units of affordable housing, and would also replace the 29 affordable units lost through demolition; giving a total of 48 units. This would include 24 three bedroom flats and 9 x 5 bedroom units. These units would all be in the social rent tenure.
- 4.13 In total the application would create 489 new habitable rooms. Of these 152 would be within the social rent tenure. This equates to the provision of 35% of the total habitable rooms.
- 4.14 The Council calculates the provision of affordable housing on the basis of the number of habitable rooms being provided. This approach allows the Council to secure larger units of accommodation, in accordance with housing needs, than would be the case if affordable housing were calculated on the basis of the number of units provided.
- 4.15 Policy 3A.9 of the London Plan states that Boroughs should seek the maximum reasonable amount of affordable housing, taking into account the Mayor's strategic target that 50% of all new housing in London should be affordable and Boroughs' own affordable housing targets. Interim Planning Guidance policies CP22 and HSG3 seek to achieve 50% affordable housing provision from all sources across the Borough, and specify that individual developments should provide a minimum of 35% affordable housing.
- 4.16 The application meets the 35% affordable housing provision required by policy, and as such was considered acceptable. It should also be noted that the application was accompanied by an 'toolkit' assessment showing the financial viability of the proposals. This toolkit gives an understanding of the financial relationship between the private proportion of this development and the money the scheme generates to cross subsidise the rest of the estate regeneration. This toolkit demonstrates that to provide additional affordable housing would directly reduce the amount of cross subsidy available to improve the rest of the estate, which is an objective of the scheme.
- 4.17 Given that the scheme meets the 35% affordable housing target, and that it has been demonstrated that increasing this percentage would not be financially viable, Officer's do not consider that it would be reasonable to refuse the scheme on this ground.

Design and Amenity Issues

- 4.18 Member's have indicated that they consider aspects of the scheme in relation to 'design and amenity' unacceptable. A planning authority is obliged to give clear and precise reasons when it determines to refuse a planning application. To form a reason for refusal around

design and amenity issues, Officer's would need a clearer indication from Member's as to which particular aspect of the scheme was unacceptable. Without this information it is not possible to draft a reason for refusal.

5. CONCLUSIONS

- 5.1 All other relevant policies and considerations have been taken into account. Planning Permission and Conservation Area Consent should be REFUSED for the reasons set out in the RECOMMENDATION at the beginning of this report.

6. APPENDICIES

- 6.1 Town Planning Application report dated 13th May 2009,
Update report dated 13th May 2009,
Minutes of Strategic Development Committee 13th May 2009,
Deferred Item report dated 25th June 2009,
Update report to Strategic Committee 25th June 2009,
Minutes of Strategic Development Committee 25th June 2009.