

<b>Committee:</b> Development	<b>Date:</b> 10 <sup>th</sup> November 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.2
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Nasser Farooq		<b>Ref No:</b> PA/10/1897	
		<b>Ward(s):</b> St Dunstan's and Stepney	

## 1. APPLICATION DETAILS

**Location:** Land between 32-34 Repton Street, Limehouse, London E14

**Existing Use:** Car park.

**Proposal:** Construction of a new build residential block of three storeys on existing car park site to provide 3 x three bedroom flats with associated amenity space. The proposal results in a net loss of 10 car parking spaces with the retention of 11 car parking spaces to be accessed from Blount Street.

**Drawing Nos:** P-038, P-39, P-040, P-041 and P-042.

**Applicant:** Gateway Housing Association

**Ownership:** Applicant

**Historic Building:** N/A

**Conservation Area:** N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010), the Council's Unitary Development Plan, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- 2.2 The proposal change of use from a car park to housing is in line with the Mayor and Council's policy, as well as government guidance which seek to maximise the development potential of sites. As such, the development complies with Core Policy SP02 of the Core Strategy adopted 2010, policy 3A.3 of the London Plan, policy HSG1 of the Council's Interim Planning Guidance (2007), PPS3: Housing, which seeks to ensure that development proposals achieve the highest possible intensity of use compatible with the local context of the site and to promote the delivery of housing through the use of brownfield sites.
- 2.3 The proposed building is not considered to adversely affect the amenity of neighbouring residential properties in terms of a loss of privacy, increased sense of enclosure and loss of daylight and sunlight. As such, the proposal is in accordance with saved policy DEV2 of the Council's Unitary Development Plan 1998 and policy DEV1 of the Interim Planning Guidance (October 2007) which seek to ensure the amenity of adjoining residential properties are protected and maintained.
- 2.4 The height, scale, bulk and design (including materials), of the proposed building is

considered acceptable and in compliance with policy DEV1 of the Council's Unitary Development Plan 1998 and policy DEV2 of the Council's Interim Planning Guidance (2007), which seek to ensure buildings are of a high quality design and suitably located.

- 2.5 The quantity and quality of housing amenity space is considered to be acceptable and in line with PPS3, policy 3A.6 of the London Plan, policy HSG16 of the Council's Unitary Development Plan 1998 and policy HSG7 of the Council's Interim Planning Guidance (2007) which seeks to improve amenity and liveability for residents without adversely impacting upon the existing open space.
- 2.6 Subject to condition the safety and security of the scheme is acceptable in accordance with policy DEV1 of the Council's Unitary Development Plan 1998 and policy DEV4 of the Council's Interim Planning Guidance (2007), which requires all developments to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 2.7 Subject to conditions and a legal agreement, transport matters, including parking, access and servicing, are acceptable and in line with London Plan 2008 (Consolidated with Alterations since 2004) policies 3C.1 and 3C.23, policies T16 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which seek to ensure developments minimise parking and promote sustainable transport options.

### **3. RECOMMENDATION**

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
  - a. The prior completion of a **legal agreement** to secure the following planning obligations:
    1. Secure the development as car-free
- 3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.
- 3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

#### **Conditions**

1. Permission valid for 3 years.
2. Development carried out in accordance with the approved plans.
3. Details and samples of materials for all external elevations of the building.
4. Landscaping and boundary treatments including gates and fencing.
5. Highways agreement
6. Cycle parking
7. Parking layout (to include disabled spaces and charging points)
8. Contamination
9. Refuse provision
10. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

**Informatives:**

1. This scheme is subject to a legal agreement.
2. Section 278 (Highways) agreement required under condition 6.
3. Any other informative(s) considered necessary by the Corporate Director Development & Renewal

**4. PROPOSAL AND LOCATION DETAILS****Proposal**

- 4.1 Construction of a new build residential block of three storeys on the existing car park site to provide 3 x three bedroom flats with associated amenity space. The proposal results in a net loss of 10 car parking spaces with the retention of 11 car parking spaces to be accessed from Blount Street.

**Site and Surroundings**

- 4.2 The application site is located on a car park between 32 and 34 Repton Street, approximately 300m north of Commercial Road.
- 4.3 The immediate area is brick terraces dating from the 1990s. To the west of the site is 18-32 Repton Street which is a two storey, uniform terrace consisting of yellow brick finish with pitched roofs.
- 4.4 The terrace to the east of the site (numbers 34 to 46 Repton Street) is also of a similar two storey, pitched roof design. These properties also have uniform front dormers. The two end properties numbered 34 and 46 Repton Street (which adjoins the site) are three storeys in height.
- 4.5 To the south of the site is another set of similar terraces which follow the roof lines of 18-32 Repton Street and 34-46 Repton Street. They are accessed from Blount Street and Camdenhurst Street respectively.
- 4.6 To the immediate north of the application site is a flank wall of Causton Cottages which are accessed from Galsworthy Avenue.
- 4.7 The surrounding area is residential in nature.

**Planning History**

- 4.8 Planning application PA/09/00939 was withdrawn on 11/08/2009. The description of the development read as follows:
- 4.9 Construction of a new build residential block of three storeys with an additional storey built in the roof space above and in place of existing car parking spaces to provide two 2 bedroom flats and 2 x 3 bedroom flats. The existing site has 18 car parking spaces plus two on an adjacent site (total 20) and the revised scheme has 14 spaces total for use by existing residents.
- 4.10 The scheme as submitted was withdrawn following concerns raised by the Council on design and highway grounds.
- 4.11 A revised application under the same description was resubmitted under planning

reference PA/09/2562. The application was recommended for approval by officers and was overturned by members at the Development Control Committee on 3<sup>rd</sup> February 2010.

4.12 At the committee, members raised concerns over parking and amenity which formed the following reasons for refusal:

1. *The proposed loss of 10 car parking spaces is considered to result in an increase in residential on street parking and deterioration in the environment of residential areas by virtue of reducing a local community parking facility resulting in an increase demand for on street parking. As such, the proposal does not accord with saved Policies DEV2, T10 and T16 of the Unitary Development Plan (1998) which seeks to protect the operational need of residential on street parking and any deterioration in the environment of residential areas from developments.*
2. *The proposed infill of the car park and the redevelopment of the site to provide a part two, part three storey building is considered to result in an increase sense of enclosure to local residents to the detriment of the environment and local amenity in general. As such the proposal is contrary to Saved Policy DEV 2 of the Unitary Development Plan (1998) and Policy DEV1 of the Interim Planning Guidance (2007) which seeks to protect the environment and residential amenity.*

4.14 An appeal was lodged against this decision and was subsequently dismissed by the Planning Inspectorate on the impact of the development in terms of parking on the highway (appeal decision is appended to this report). In paragraph 12 of the appeal decision (dated 26<sup>th</sup> July 2010) the inspector stated:

*12. I consider the proposed development to be of an acceptable design that is contextually appropriate. However, in the absence of a signed and sealed planning obligation for a car free development there would be no guarantee that potential pressure on residents parking would not occur.*

4.15 Whilst the Council and the applicant had considered this matter could have been resolved by the imposition of a condition, the Inspector considered that in the absence of a legal agreement it would have been difficult to be fully satisfied that the proposed development would not have an adverse impact on the highway.

4.16 In response to this appeal decision, the applicant has resubmitted the same application with a view to completing a car-free agreement.

4.17 Given the inspector considered the absence of a car-free agreement as the overriding concern for dismissing the appeal, it is considered that subject to a car free agreement, officers consider the development has overcome all the earlier concerns and must now be supported by officers.

4.18 The appeal decision is appended to this report, given the scheme has not changed as previously submitted significant weight should be given to the views expressed by the Planning Inspectorate.

## **5. POLICY FRAMEWORK**

5.1 For details of the status of relevant policies see the front sheet for "Planning

Applications for Determination” agenda items. The following policies are relevant to the application:

## 5.2 Core Strategy adopted September 2010

Policies	S07	Support housing growth to meet housing demand
	S09	Well designed housing
	SP02(1)	Housing targets
	SP09(4)	Promoting car free developments
	SP13	Planning obligations

## 5.3 Unitary Development Plan (as saved September 2007)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	HSG13	Internal Standards for Residential Developments
	HSG16	Amenity Space
	T16	Impact of Traffic

## 5.4 Interim Planning Guidance for the purposes of Development Control (Oct 2007)

Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV5	Sustainable Design
	DEV19	Parking for Motor Vehicle
	HSG1	Housing targets
	HSG7	Housing Amenity Space

## 5.5 Supplementary Planning Guidance/Documents

Designing Out Crime  
Residential Space  
Landscape Requirements

## 5.6 Spatial Development Strategy for Greater London (London Plan)

3A.3	Maximising the potential of sites
3A.6	Quality of new housing provision
4B.1	Design Principles for a compact city
4B.6	Sustainable Design and construction
4B.7	Respect Local context and communities

## 5.7 Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPG3	Housing

## 5.8 Community Plan: The following Community Plan Objectives relate to the application.

A better place for living safely  
A better place for living well  
A better place for creating and sharing prosperity

## 6. CONSULTATION RESPONSES

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

6.2 The following were consulted regarding the application:

### **LBTH Highways Department**

6.3 The site has a PTAL rating of 5 which demonstrates that a good level of public transport service is available within the immediate vicinity of the site, mainly due to the proximity of the site to Limehouse Rail and DLR stations and the bus services which operate along Commercial Road.

6.4 The site is suitable for a car and permit free agreement whereby future occupants of the residential units are prevented from obtaining parking permits. Any Planning Permission should therefore be subject to a Section 106 car free agreement.

6.5 The existing site use as a car park has provision for eighteen parking spaces, with a further two spaces accessed via the parking mews off Blount Street. The revised parking layout provides eleven spaces on the development site, which represents a further reduction in the number of on-site parking spaces retained, in line with the findings presented within the car park utilisation survey. These spaces are for the sole use of the existing local residents and the applicant has confirmed that occupants of the proposed residential units will not be entitled to use the parking spaces.

6.6 The minimum circulation distances and swept path analysis drawings demonstrate the ability of both large and medium private cars to manoeuvre in and out of the proposed parking spaces. The drawings provided in support of the current application are considered acceptable by the Highways Department.

6.7 Developments with on-site car parking are required to provide two spaces or 10% of the total parking, whichever is greater, as accessible parking for people with disabilities, This has not been catered for in the design, however it is felt that two parking spaces could easily be marked up and designated for the use of disabled people . A condition to this effect is recommended if consent is granted. (**Officer Comment:** *A condition to require the disabled parking spaces is recommended*).

6.8 The provision of four cycle parking spaces is acknowledged and welcomed. However, LBTH policy states that Sheffield type stands are the preferred design and the majority of the cycle parking should be provided in this form. (**Officer Comment:** *A condition to ensure the cycle spaces are secured is recommended*).

6.9 LBTH require a minimum of one electric vehicle re-charging point per car parking. Highways will accept a minimum 20% of the parking bays to be installed with electric vehicle charging points. (**Officer Comment:** *A condition to require these charging points is recommended*).

6.10 From the plans submitted, it would appear that the bin storage area for the residential units is within the 10metre distance of the collection point which is acceptable.

6.11 There will be Section 278 requirements brought about by the construction of this

development. This will include renewing the footways, kerbs and any damaged carriageway along the frontage of the development.

Conclusions:

- 6.13 The Councils Highways officer has outlined a list of conditions should the Committee be minded to grant planning permission.

**Secure by Design Officer:**

- 6.14 The buildings design, and the issues previously mentioned regarding seating at the front elevation, and the access into the building at the rear, appears acceptable. However, in terms of the car park to the rear it is considered that given the site is not permeable to pedestrians that the parking area should be gated to ensure the safety of users. (**Officer comment:** *It is recommended that gates to the parking area are conditioned as part of any consent in order to address these concerns*).

**LBTH Environment Health (Contaminated Land)**

- 6.15 No comments have been received. (**Officer comment:** *Given there is the possibility for contamination then it is recommended that a condition is included (if granted)*).

**7. LOCAL REPRESENTATION**

- 7.1 A total of 101 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. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 2\*            Objecting: 0            Supporting: 0  
No of petitions received:    1 containing 177 Signatories in objection.

\* The individual responses raised no objections or support. One letter requested clarification of the implementation dates and the second advised the Council to determine the application as they considered.

- 7.2 The following issues were raised in representations that are material to the determination of the application, they are addressed in the next section of this report:

- Proposal will have an adverse environment impact
- Change in the environment
- Increase in overcrowding
- Obstruct natural sunlight to adjacent properties
- Increase in pressure on schools and health centres
- Create vehicle congestion
- Loss of car parking spaces
- Infringe on right to privacy
- Inconvenience for residents when going to Commercial Road
- Car free development would not work
- Vehicle congestion on Blount Street.

- 7.3 The following are non material matters raised by the representations:
- 7.4 Alternative measures to secure site (**Officer Comment:** *The Council is required to assess the proposal as submitted. However, as set out in paragraph 6.14 the measures to secure the parking area would be conditioned*).
- 7.5 Loss of free air (**Officer Comment:** *It is not considered the proposal would result in a loss of free air*)

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

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

Land Use  
Design  
Loss of access route  
Highways  
Car parking

### **Land Use**

- 8.2 The subject site is unallocated on the Unitary Development Plan (1998) and is currently used as a designated car park.
- 8.3 In accordance with polices 3A.1 and 3A.2 of the London Plan, the Mayor is seeking the maximum provision of additional housing in London. Housing targets identified in policy SP02(1) of the adopted Core Strategy (2010) indicate that Tower Hamlets is aiming to provide 43,275 new homes between 2010 to 2025, with infill development identified as an appropriate mechanism for delivery.
- 8.4 The site is considered to be an appropriate location to meet this demand given the high public transport accessibility for the area. The immediate vicinity is also predominantly residential. No objection is raised to the change use of the site for residential purposes, subject to other planning considerations.
- 8.5 In particular, the loss of car parking and accessibility through the site are discussed in the proceeding sections of this report.
- 8.6 The proposal change of use from a car park to housing is in line with the Mayor and Council's policy, as well as government guidance which seek to maximise the development potential of sites. As such, the development complies with Core Policy SP02(1) of the Core Strategy (Adopted 2010), policy 3B.3 of the London Plan, policy HSG1 of the Council's Interim Planning Guidance (2007) and PPS3: Housing, which seeks to ensure that development proposals achieve the highest possible intensity of use compatible with the local context of the site and to promote the delivery of housing through the use of brownfield sites.

### **Design**

- 8.7 Saved policy DEV1 of the Unitary Development Plan states all development proposals should take into account and be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials and being visually appropriate to the site and its setting in the street scene. The policy also



requires that development is designed to maximise the feeling of safety and security for users.

- 8.8 Policy DEV2 and DEV4 of the Interim Planning Guidance October 2007 reinforces this position by requiring all development to be of high quality design, appropriate to local context and ensuring that the safety and security of development is maximised.
- 8.9 The proposal involves the erection of a part two, part three storey building with a pitched roof to cover the full plot width of the car park. The adjoining properties have bathroom windows overlooking the site and it is proposed to set the rear part of the building in by 1m from each side to allow these windows to be opened.
- 8.10 The ground floor fronting Repton Street provides direct access to the three residential units, a secure cycle location and a pedestrian controlled access gates to the secure car park.
- 8.11 A front garden is proposed which follows the design and form of the adjoining terraces. The garden provides space for the storage of domestic waste.
- 8.12 Two of the three units are proposed to be located at ground floor level with three bedrooms location at first floor level, accessed via internal staircases.
- 8.13 The third property is located predominantly at second floor level which contains two bedrooms, kitchen and a living/dining room. A smaller bedroom is located at second floor level. Access to this unit is provided by a separate secure staircase from Repton Street.
- 8.14 The internal layout of the units is efficient as they allow access to all rooms from a central hallway, and benefit from appropriately positioned windows to allow for adequate access to daylight and sunlight. Balconies and windows provide natural surveillance to the retained parking spaces to the south of the development.
- 8.15 The adjoining terraces are constructed of yellow brick. The proposal is for red brick to contrast with those of the existing terrace, details of which are proposed to be conditioned in order to ensure acceptability.
- 8.16 Balconies are proposed at the rear of the site. They are centrally located at first and second floor level. The size and amenity implications are discussed in the amenity section of the report.

#### Size of accommodation

- 8.17 The following table outlines the size of the residential units proposed.

<u>Type of accommodation</u>	<u>Size of unit</u>	<u>Recommended size (Unitary Development Plan)</u>	<u>Does it comply</u>
3 bed 6 person	<u>93sq.m</u>	<u>86.5</u>	<u>Yes</u>
3 bed 6 person	<u>93sq.m</u>	<u>86.5</u>	<u>Yes</u>
3 bed 6 person	<u>100 sq.m</u>	<u>86.5</u>	<u>Yes</u>

#### Loss of permeability

- 8.18 The sites current role as a car park provides direct access for residents to the north of Repton Street to Commercial Road to the South via Brenton Street.
- 8.19 Given Commercial Road is a major road with good transport links, it is envisaged that this route is likely to be popular and well used mainly by residents of Galsworthy Street which is directly north of the car park site.
- 8.20 Should planning permission be granted it would result in a loss of access through this site. This is one of the objections outlined in the submitted petition. The applicant has confirmed that there is no right of way thorough this site and the Councils geographical maps also indicate that Brenton Street has no designated route to Repton Street.
- 8.21 As such, it is considered that the proposal will not result in a significant loss in terms of permeable access to warrant refusal of the application given alternate routes exist within a short distance to Commercial Road. The route to the east of Repton Street is Blount Street located approximately 33m from the car park site and to the west of the proposal site is Camdenhurst Street which is 35m away. Both streets provide direct access to Commercial Road.

#### Safety and Security

- 8.22 The applicant has been in constant discussions with the Councils Secure by Design officer with a view to achieving a Secure By Design certificate. The applicant has employed the measures requested by the Secure by Design Officer which include gates restricting the access to the car park south of the applicant site.
- 8.23 As such, it is considered that the proposal has been suitably designed to take safety and security into consideration.
- 8.24 Overall, it is considered that the design and layout of the proposal maximises the development potential of the site without adversely affecting adjoining properties and providing an acceptable design response to the local context. The development thereby accords with the requirements of policy 3B.3 of the London Plan, saved policy DEV1 of the Unitary Development Plan 1998 and DEV2, and DEV4 of the Interim Planning Guidance which seek to ensure development is well designed by being respectful of local context and maximising the safety and security of users.

#### Sunlight/ Daylight

- 8.25 Saved policy DEV2 of the Unitary Development Plan 1998 seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. This is reinforced by DEV1 of the Interim Planning Guidance October 2007 which requires development to protect, and maintain the amenity of adjacent residents.
- 8.26 Due north of the application site is the flank wall of Causton Cottages and the proposed building follows the immediate building lines of adjacent properties. As such, it is considered that the proposal will not result in a loss of daylight or sunlight to neighbouring residential properties.

#### Sense of Enclosure/ Loss of Outlook

- 8.27 Given the position of the proposal, the development would not create any unacceptable sense of enclosure or loss of out look to habitable rooms adjacent to

the site.

- 8.28 A concern of the previous application was the location of the balconies. However the centrally located balconies would not result in any direct overlooking to the rear of properties 14-28 Camdenhurst Street and 21-35 Blount Street.
- 8.29 As such, the proposal would accord with saved policy DEV2 of the Unitary Development Plan 1998 and policy DEV1 of the Interim Planning Guidance which seeks to protect and maintain residential amenity.
- 8.30 In response to members concern that the redevelopment of the site would result in an increased sense of enclosure to local residents to the detriment of the environment and to local amenity in general. The Planning Inspectorate in paragraph 9 responded as follows:

*...the car park provides a gap in the street frontage, albeit a planned gap in the estate layout, which contributes little to the Street scene or to visual amenity. The proposed development would link the existing terraces on Repton Street and improve the street scene. Although this encloses the space currently provided by the car park, I do not consider this to be harmful to the amenities of local residents. Built development would be no closer to the dwellings at the rear than currently exists and the existing car park area would be landscaped and improved in appearance.*

*10. I therefore consider that the proposed development accords with Policy DEV2 of the UDP and Policy DEV1 of the IPG.*

#### Amenity Space

- 8.31 Saved policy HSG 16 of the Unitary Development Plan and policy HSG7 of the Interim Planning Guidance October 2007 require that all development should have an adequate provision of amenity space. The supplementary planning guidance indicates that 50 sq m should be provided for new housing developments.
- 8.32 Two of the proposed three dwellings benefit from a small front garden and a private garden measuring 25 sqm each. This amenity space is supplemented by an additional 5 sq m in the form of balconies at first floor level.
- 8.33 The third residential unit has a balcony providing 10 sq m of amenity space in the form of a balcony at second floor level.
- 8.34 Whilst it is noted that the proposed properties do not meet the recommended amenity space required for new development, given the quality and internal size of the units proposed it is considered that on balance this is considered acceptable.

#### **Highways**

##### Access

- 8.35 The site is located within an area of good public transport accessibility. The Site is located within walking distance of Limehouse DLR and C2C Stations. The site is also located a short walking distance from Commercial Road where there is a good bus service.

## Parking

- 8.36 Policies 3C.1 and 3C.23 of the London Plan (Consolidated with Alterations February 2008 and saved policies T16 and T19 of the Council's Unitary Development Plan 1998 seek to ensure developments minimise parking and promote sustainable transport options.
- 8.37 Policy SP09(4) of the Interim Planning Guidance seeks to 'Promote car free developments and those which minimise on-site and off-site car parking provision, particularly in areas with good access to public transport.
- 8.38 This reflected in policy DEV19 of the Interim Planning Guidance, which seeks to minimise the use of cars in areas of high public transport.
- 8.39 The applicant has entered into discussions to make the development 'car-free' which would prevent the three dwellings from obtaining a vehicle permit. An objection was received on the grounds of the proposal increasing vehicle congestion. However, subject to the imposition of a car free agreement, this would not be the case with the scheme reducing congestion.
- 8.40 Highways have requested electric charging bays and disabled parking spaces. Whilst, it is noted that the car parking spaces are the relocation of existing bays it is considered that the requirement to provide this would allow the development to be future proofed in terms of new technologies for alternative fuel sources. Furthermore, in terms of the disabled spaces these are necessary to ensure those who may not have an alternative means of travel are catered for.
- 8.41 In terms of bicycle provision, the development proposes four cycle spaces located in a secure enclosure. This is in-line with the Interim Planning Guidance and any planning permission would be conditioned to ensure that these spaces are retained.
- 8.42 The Councils approach to secure the development as car free, is supported by the Planning Inspectorate whom in paragraph 8 of the appeal decision for PA/09/2562 states:

*I conclude that with a planning obligation for a car free development, the proposal would not lead to any deterioration in the environment as a result of either pressure for parking facilities from future occupiers of the flats or from the reduction in parking spaces on the appeal site. The proposal would accord with Policies DEV2, T10 and T16 of the UDP.*

## Servicing and Refuse Provisions

- 8.43 Provision for the storage of refuse and recyclable for the residential use has been provided for via an enclosed lockable area at the front of the dwellings. These are suitably located to allow the collection of refuse.

## **Other**

### Increase in pressure on schools and health centres.

- 8.44 Given the proposal is for three residential units, the Council would not be able to seek financial contributions to mitigate any possible pressure on schools.

Furthermore the Council would be unable to justify a refusal on these grounds.

- 8.45 Importantly, the provision of the new socially rented dwellings may allow a family that is already on the Tower Hamlets housing waiting list to be relocated. As such they may already be catered for in existing schools and health centres.

### **Conclusions**

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



## Appendix 2: Planning Inspectorates decision on PA/09/2562.



# Appeal Decision

Site visit made on 26 July 2010

by **P N Jarratt** BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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Decision date:  
3 August 2010

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### Appeal Ref: APP/E5900/A/10/2122099

### Land between 32 and 34 Repton Street, Limehouse, Tower Hamlets, London E14

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Gateway Housing Association against the decision of the Council of the London Borough of Tower Hamlets.
- The application Ref PA/09/02562, dated 13 November 2009, was refused by notice dated 4 February 2010.
- The development proposed is the construction of a new build residential block of three storeys on an existing car park site to provide 3 x three bedroom flats with associated amenity space. The proposal results in a net loss of 10 car parking spaces with some alterations to provide 11 car spaces.

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### Decision

1. I dismiss the appeal.

### Main issues

2. The main issues in this appeal are the effects of the proposed development arising from the loss of 10 parking spaces and on the amenities of local residents through an increased sense of enclosure.

### Reasons

#### *Car Parking*

3. The appeal site is a 21 space car park between terraces of 2 and 3 storey houses located in a residential area. Some 18 spaces are accessed from Repton Street and 3 spaces from Blount Street. The proposed residential block would be sited between 32 and 34 Repton Street with a controlled pedestrian access to the rear. It would be part 2 and part 3 storeys in height, be of a similar depth to the existing housing and of materials appropriate to the site. Access to 11 car park spaces to be provided in a restyled and landscaped car park to the rear would be from Blount Street. These spaces would not be for the benefit of the residents of the proposed flats but for residents of existing dwellings.
4. The Council is concerned that the net loss of parking spaces would result in an increase in residential on-street parking and deterioration in the environment of residential areas by virtue of reducing a local community car parking facility resulting in an increased demand for on-street parking. The Council has not provided any evidence to support these concerns. On the contrary, the

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Council's assessment of the access and parking implications of the proposal do not raise any significant concerns.

5. Policies in the London Plan, the Tower Hamlets Unitary Development Plan and the Council's Core Strategy, which has been adopted as Interim Planning Guidance (IPG) and to which I attach significant weight, seek to ensure that development minimises parking and promotes sustainable transport options. Policies seek to minimise the use of cars in areas of high public transport. The application site is located within an area of good transport accessibility for both trains and buses.
6. The appellant's car park utilisation survey indicates that the existing car park is underused with no more than 4-5 cars parked during peak accumulation periods at the start and end of each day and this is not contested by the Council. However, some residents consider that it is underused due to anti-social behaviour that occurs.
7. Policy CP40 of the IPG promotes car free development and those schemes which minimise on-site and off-site car parking provision in areas with good access to public transport. The implementation of the policy refers to the Council seeking planning obligations for car free development where appropriate. This would prevent residents of the proposed development seeking a residents parking permit. I consider that such an obligation would overcome any concerns regarding the potential impact that occupiers of the proposed flats would have on local on-street parking facilities.
8. I conclude that with a planning obligation for a car free development, the proposal would not lead to any deterioration in the environment as a result of either pressure for parking facilities from future occupiers of the flats or from the reduction in parking spaces on the appeal site. The proposal would accord with Policies DEV2, T10 and T16 of the UDP.

*Enclosure*

9. The Council is concerned that the redevelopment of the site would result in an increased sense of enclosure to local residents to the detriment of the environment and to local amenity in general. However, the car park provides a gap in the street frontage, albeit a planned gap in the estate layout, which contributes little to the street scene or to visual amenity. The proposed development would link the existing terraces on Repton Street and improve the street scene. Although this encloses the space currently provided by the car park, I do not consider this to be harmful to the amenities of local residents. Built development would be no closer to the dwellings at the rear than currently exists and the existing car park area would be landscaped and improved in appearance.
10. I therefore consider that the proposed development accords with Policy DEV2 of the UDP and Policy DEV1 of the IPG.

*Other Considerations*

11. The appellant's ground of appeal relates to the fact that Council officers had recommended approval of the proposed development but the appellant was dissatisfied about the manner in which the Committee determined the



application. This is not relevant to the appeal and I have confined my considerations to the planning merits of the proposal.

*Conclusions*

12. I consider the proposed development to be of an acceptable design that is contextually appropriate. However, in the absence of a signed and sealed planning obligation for a car free development there would be no guarantee that potential pressure on residents parking would not occur. It is not possible to remove a resident's right to apply for a parking permit by way of a condition.
13. For the reasons given above and having regard to all other relevant considerations, including the representations of the public and the petition against the scheme, I conclude that the appeal should be dismissed.

*P N Jarratt*

Inspector

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End.