



## STRATEGIC DEVELOPMENT COMMITTEE

[10.08.22]

Report of the Corporate Director of Place

Classification: Unrestricted

### Application for Planning Permission

[click here for case file](#)

<b>Reference</b>	PA.21.02729
<b>Site</b>	42-44 Thomas Road, London, E14 7BJ
<b>Ward</b>	Mile End
<b>Proposal</b>	Erection of three sets of gates to the existing building
<b>Summary Recommendation</b>	Refuse planning permission
<b>Applicant</b>	Bellway Homes Ltd
<b>Architect/agent</b>	Savills
<b>Case Officer</b>	Katie Cooke
<b>Key dates</b>	<ul style="list-style-type: none"><li>- Application registered as valid on 23/12/2021</li><li>- Public consultation finished on 03/02/2022</li></ul>

### EXECUTIVE SUMMARY

The application site consists of 5 blocks ranging from five to nine storeys comprising 184 residential units and flexible commercial space north/ south walkway which runs between Thomas Road and the Limehouse Cut. This was approved on 28<sup>th</sup> July 2017 under planning reference: PA/16/01041 which is now completed and occupied.

This application has been considered against the Council's approved planning policies contained in the London Borough of the Tower Hamlets Local Plan 2031 (January 2020) as well as the London Plan (2021), the National Planning Policy Framework (2021) and all other material considerations.

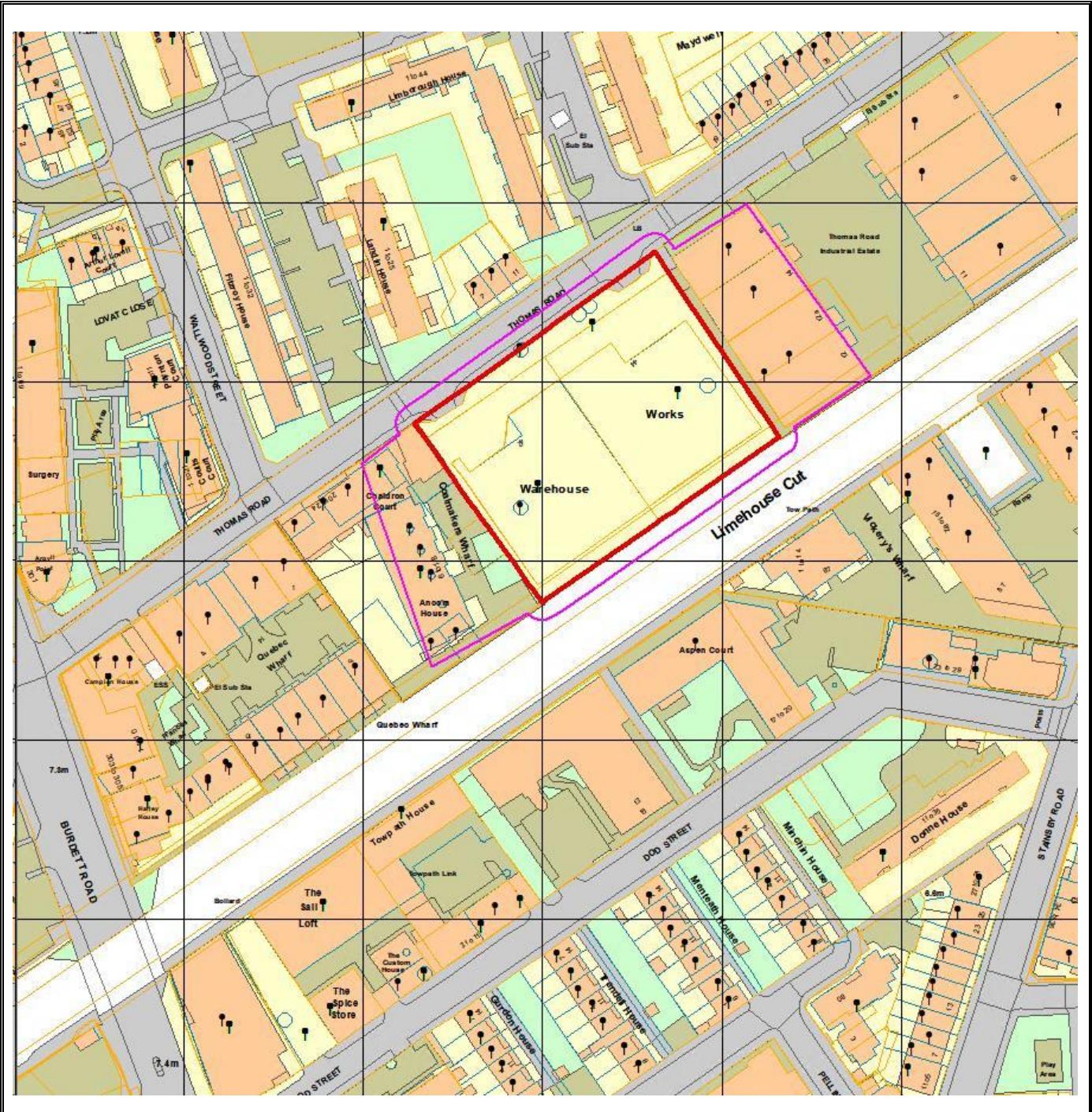
Whilst the design of the gates is considered to be appropriate, the location of the gates would restrict public access to the Limehouse Cut canal which is a Conservation Area and therefore would not preserve or enhance the character of the conservation area. Therefore, the proposal cannot be supported from a heritage perspective and fails to comply with policy S.DH3 of the Local Plan.

In addition, the proposed pedestrian access gates would restrict public access to water space, Limehouse Cut, thus restricting movement through the secured public access right of way and would not promote socially inclusive and cohesive neighbourhood which is contrary to Policies S.OWS2, D.OWS4 and D.DH2 of the Tower Hamlets Local Plan 2020 and Policy SI16 of the London Plan.

Clause 1d of Schedule 8 of the signed legal agreement states that the Owner covenants with the Council to retain the Public Open Space for use as a publicly accessible open space for the lifetime of the development.

As such, the proposed gates would contravene the requirement agreed within the S106 to retain the public open space for use as a publicly accessible open space for the lifetime of the development.

Officers recommend refusal of the proposal. The application is reported to the Development Committee because there have been more than 20 individual representations in support of the development.



Crown copyright and database rights 2018 Ordnance Survey, London Borough of Tower Hamlets 100019288

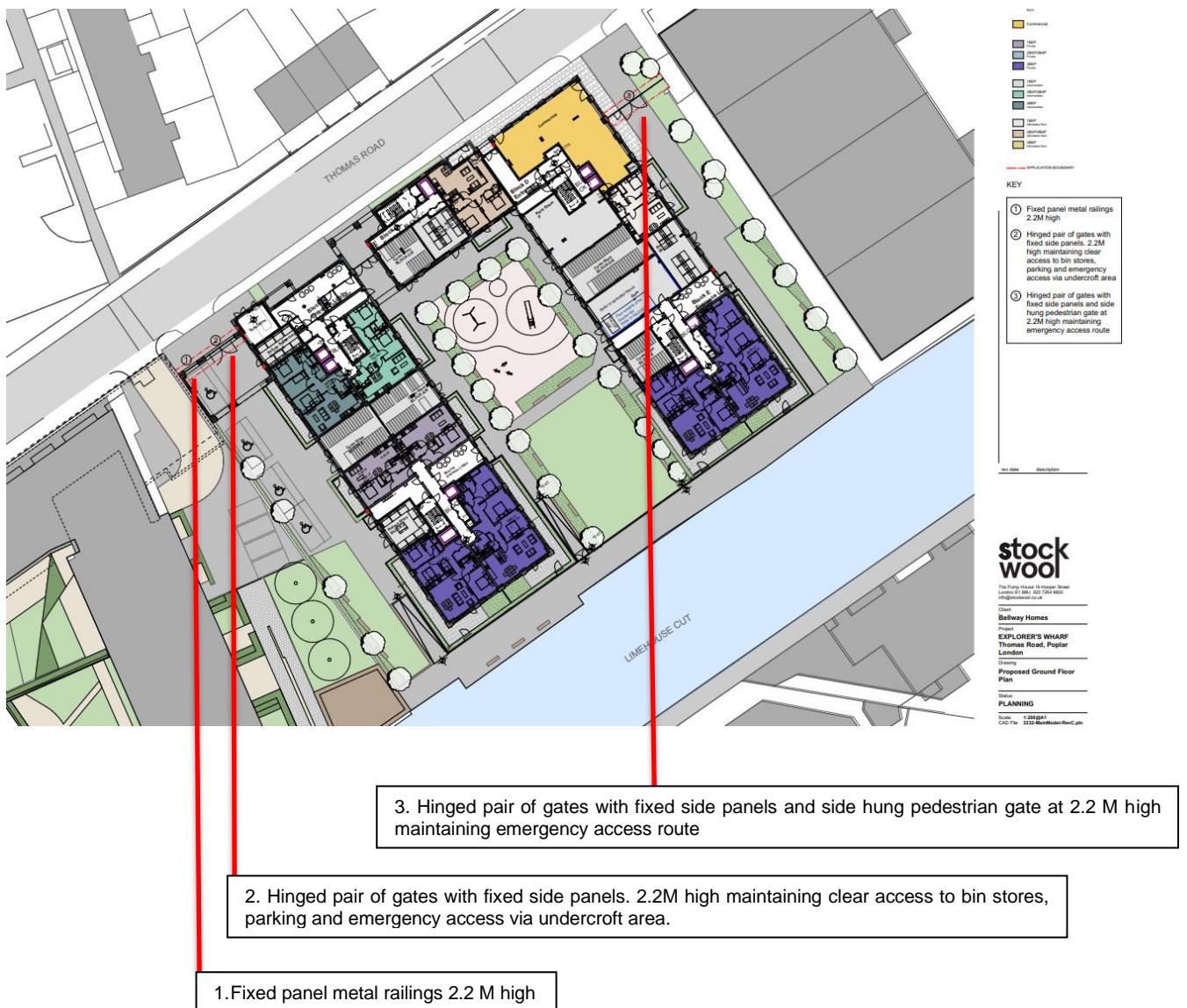
<ul style="list-style-type: none"> <li><span style="border: 2px solid red; display: inline-block; width: 15px; height: 15px;"></span> Planning Application Site Boundary</li> <li><span style="border: 1px solid orange; display: inline-block; width: 15px; height: 15px;"></span> Other Planning Applications</li> <li><span style="border: 2px solid magenta; display: inline-block; width: 15px; height: 15px;"></span> Consultation Area</li> <li><span style="display: inline-block; width: 15px; height: 15px;"></span> Land Parcel Address Point</li> <li><span style="border: 1px dashed blue; display: inline-block; width: 15px; height: 15px;"></span> Locally Listed Buildings</li> <li><span style="border: 2px dashed purple; display: inline-block; width: 15px; height: 15px;"></span> Statutory Listed Buildings</li> </ul>	<h2>Planning Applications Site Map</h2> <p><b>PA/21/02729</b></p> <p>This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process</p>	 <p><b>TOWER HAMLETS</b> London Borough of Tower Hamlets</p>
	Scale : 50m grid squares	Date: 10 August 2022

## **1. SITE AND SURROUNDINGS**

- 1.1 The application site is located on the south-eastern side of Thomas Road, off Burdett Road within the Mile End ward. The site is bounded by Thomas Road to the north, Thomas Road Industrial Estate to the north-east, Limehouse Cut canal to the southeast and the Burdett Wharf residential development, also known as Coalmakers Wharf, to the southwest.
- 1.2 The rectangular site measures approximately 0.51ha and consists of 5 blocks ranging from five to nine storeys comprising 184 residential units and flexible commercial space, together with associated car parking, landscaping and infrastructure works. The development is also known as Explorer's Wharf.
- 1.3 The nearest surrounding residential properties are located to the north-west - on the opposite side of Thomas Road, to the south-east - on the opposite side of the canal, and to the south-west – immediately adjacent to the site.
- 1.4 The majority of the site is not located within a conservation area, however a small strip projects into the Limehouse Cut Conservation Area which runs south-west to north-east, along the south-eastern boundary of the site.
- 1.5 There are no listed buildings in the immediate vicinity of the site. Limehouse Cut canal is a Site of Metropolitan Importance for Nature Conservation.
- 1.6 The site benefits from good public transport accessibility with a PTAL of 4. There are numerous bus services operating along Burdett Road, approximately 120m to the west of the site. The nearest train station is the DLR station at Westferry, some 700m walking distance to the south.
- 1.7 The nearest town centres are the Neighbourhood Centre at Salmon Lane, circa 500m walking distance to the west, and the Chrissp Street District Centre, circa 1km walking distance to the south-east. The nearest existing shopping facilities are some 120m away on Burdett Road. The nearest schools are the Stebon Primary School and St Pauls way Secondary School, respectively less than 100m and less than 400m walking distance to the north. Mile End Park and Birchfield Gardens are some 300m walking distance to the west while the Bartlett Park is some 400m to the southeast.

## **2. PROPOSAL**

- 2.1 The applicant, Bellway Homes, are seeking planning permission for the installation of three sets of gates which are detailed as follows:
  1. Fixed panel metal railing (2.2m high) to the west of the building;
  2. Hinged pair of gates with fixed side panels (2.2m high) maintaining clear access to bins stores and parking within the undercroft area;
  3. Fixed metal railings (2.2m high) with side hung pedestrian gate to the east of the building.
- 2.2 The applicant has submitted this application as a means of resolving the current security issues on site with the view that these gates will prevent the access of non-residents to the canal at the rear of the property.
- 2.3 The image in figure 1 below shows the location of these gates:



**Figure 1:** Proposed ground floor plan

### 3. RELEVANT PLANNING HISTORY

- 3.1 **PA.16.01041** – Planning application for demolition of existing buildings and redevelopment of the site to provide new buildings ranging from five to nine storeys comprising 184 residential units (Use Class C3) and 140sqm of flexible commercial space (Use Class A1, A2, A3 or D1), together with associated car parking, landscaping and infrastructure works. Approved 28.07.17
- 3.2 **PA.18.00702** - Minor material amendments to planning permission PA/16/01041, dated 28/07/2017, for redevelopment of the site to provide new buildings ranging from five to nine storeys comprising 184 residential units (Use Class C3) and 140sqm of flexible commercial space (Use Class A1, A2, A3 or D1). The proposed changes include: increase in maximum height of 18cm, changes to unit mix and unit layouts, changes to landscaping, changes to elevational treatment and materials, including reduction of brick reveals, introduction of entrance canopies, and changes to balconies. No change to unit numbers, increase in number of habitable rooms by 6. Approved 29.03.19.
- 3.3 **PA.19.00854** – Submission of details pursuant to condition No. 18 (Secured By Design) of planning permission PA/16/01041, Dated 28/07/2017. Approved 13.06.19

- 3.4 **PA.18.267** – Submission of detail pursuant to conditions 12 (Materials and detailing), 15 (Canal Wall) and 17 (Cycle Storage) of planning permission PA/16/01041, dated 28/07/2017. Yet to be determined
- 3.5 **PA.18.404** - Submission of details pursuant to conditions 13 (Biodiversity) and 16 (Landscaping) of planning permission PA/16/01041 dated 28/07/2017. Yet to be determined

#### **4. PUBLICITY AND ENGAGEMENT**

- 4.1 A total of 252 neighbour notification letters were sent to nearby properties as detailed on the attached site plan. Given the nature of the application, press and site notices were not required.
- 4.2 54 representations were received in response to notification and publicity of the application of which 53 were in support and 1 in objection. These are summarised as follows

##### **Support**

- 4.3 The representations highlighted the following points:
- Weekly damage which has an impact on residents, both financially and emotionally;
  - Gates are necessary to stop loitering and crime. On most days of the week, people will be loitering in the carpark or on the canal side of the building playing music, taking drugs, and leaving litter;
  - The gates need to be user friendly, with an intercom system that integrates into the current one that we have so that we can see who is trying to enter the property. We also need cameras, and spikes on top of the gates to make them difficult to climb over;
  - Given the multi-entry points of the development, there is nothing preventing encounters with drug addicts in enclosed bin storage or another break-in;
  - Have felt unsafe due to a number of burglaries that have occurred in the last few months;
  - As a single woman living in a block of flats that is constantly getting broken into, and the constant drug use/dealing that happens in the local area, it will help me to feel safer in my local area;
  - There is some antisocial behaviour happening almost weekly in our private community area;
  - Drug dealers are congregating below our balcony smoking drugs and using our community area to sell drugs;
  - There are a group of individuals who are targeting the mail lobbies areas and going into communal floors looking for parcels to steal;
  - Homeless people repeatedly sleeping in bin stores;
  - People playing loud music in close proximity to our development, and on one occasion entering our communal grass area, leaving significant mess;
  - Dog fouling along the publicly accessible areas by the development;
  - Public urination along the publicly accessible areas - on one occasion against the wall of the development;

- As well as providing the gates at the front of the development, the fencing between the development and Coalmakers Wharf needs to be extended to the canal. Currently there is a gap towards the end of the fencing where anti-social behaviour occurs and individuals are able to jump over this gap with ease. This area will need to have adequate fencing otherwise the gates at the front of the premises will become inadequate;
- Consider that the installation of the gates would have little to no impact on the neighbouring properties (at most it would be a short period of noise during the construction phase) as it is just adding some gates rather than for instance a new building;
- Would like the application to ensure that there is a buzzer system for entrance of visitors and that it is at a height accessible to those in wheelchairs as it is at the doors.
- Bellway miss advertised the property as a gated community to residents during the purchase process. Residents of the building are currently financially responsible for the upkeep of the gardens and car parking outside the building. These spaces have been used on a number of occasions for anti social behaviour (such as drug taking and drug dealing) and illegal parking. This has lead to damage and litter which the residents are financially responsible for;

### **Objections**

4.4 The representations highlighted the following points:

- Not been materially impacted by antisocial behaviour on the canal side area of the development of the type described in the covering letter for this planning application.
- The main antisocial behaviour that the development is experiencing is unauthorised access and theft / damage caused by people gaining access to the interior of the building, which is largely caused by tailgating or technical failure of the bin storage doors.
- Neither Pinnacle or Bellway has given any assurances that there will be an intercom for access to the residents block at the new gates. Without an intercom, it will not be possible to ring residents' property from the street. This is hugely inconvenient for visitors and deliveries and, unsafe - being able to ring the intercom to flats from the street is a key safety concern for being locked out or for friends or family who live locally who may be in distress at night.

## **5. CONSULTATION RESPONSES**

### ***Internal***

#### **LBTH Design:**

5.1 Whilst these proposals attempt to address issues with antisocial behaviour, design officers are concerned that the proposal would restrict local communities' access to the site and the canal, thereby creating a poorly integrated gated community.

### ***External***

#### **Metropolitan Police – Crime Prevention:**

5.2 As noted in the Planning History section of this report, condition 18 of PA.16.1041 was discharged on 13.06.19. This condition states that:

*"No superstructure works shall take place until details of Secured by Design measures have been submitted to and approved in writing by the Local Planning Authority. The development shall aim to achieve the Secured by Design 'Gold' standard."*

*The Secured by Design measures shall be implemented in accordance with the approved details, completed prior to the first occupation of the development and retained for the lifetime of the development.”*

- 5.3 As part of the details submitted to discharge the condition, the applicant had prepared a security strategy which met the ‘Gold’ standard. Officers were satisfied that the floor plans submitted showed security measures in place such as CCTV, FOB access and the security ratings of doors and windows. Secure by Design (SBD) officers had also reviewed the application and recommended the proposal for discharge.
- 5.4 As part of this current application which is currently being assessed, The SBD officer has confirmed that post the discharge of condition 18, the developer has failed to achieve the required standards during the build process, and the scheme therefore has not achieved the Gold standard of accreditation.
- 5.5 More recently, the SBD officer has advised that they had sent a letter to chase up Bellway Homes on 9.02.22 and received notice from them the same day advising they had submitted this current planning application (PA/21/02729). The SBD officer responded the same day to the applicant asking for an update regarding the internal works that had previously been highlighted to get the site up to at least Silver accreditation and to date have had not had a response.
- 5.6 The breach of condition 18 has been reported to the Council’s enforcement team who are investigating this to ensure that SBD measures are in place.
- 5.7 The proposed installation of gates to both east and west end of the development would provide both a visual and physical deterrent to the offenders which in time would potentially see them go elsewhere to carry out their actions.
- 5.8 However, looking through the documents submitted as part of this planning application, there are some areas of the proposals that SBD officers feel will fall short of the end goal of keeping the offenders out and would wish to see further details provided. The amendments include increasing the gate height from 2200mm to 2400mm to reduce the chances of being climbed over. Also, the images provided in the planning application do not appear to show protruding rods however officers note in the Design Statement this is stated as being proposed albeit 25mm.
- 5.9 These design changes were not requested by the planning officer to the applicant as officers do not support the proposals.

## **6. RELEVANT PLANNING POLICIES AND DOCUMENTS**

- 6.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.
- 6.2 In this case the Development Plan comprises:
  - The London Plan 2021 (LP)
  - Tower Hamlets Local Plan 2031
- 6.3 The key development plan policies relevant to the proposal are:

	<b>The Tower Hamlets Local Plan 2031 (2020)</b>	<b>London Plan (2021)</b>
Design	S.DH1, S.DH3, D.DH2	D1, D4, D11
Connectivity/pedestrian movement	D.DH2	SI16, D3, D5, D8

Access to Water Space	S.OWS2, D.OWS4	
-----------------------	----------------	--

6.4 Other policy and guidance documents relevant to the proposal are:

- National Planning Policy Framework (2021)
- National Planning Practice Guidance (updated 2021)
- Limehouse Cut Conservation Area Character Appraisal (LBTH 2011)

## 7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

- i. Design and Heritage
- ii. Connectivity, pedestrian movement and access to water spaces
- iii. Antisocial behaviour
- iv. Equalities and Human Rights

### Design and Heritage

7.2 Section 69(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that a conservation area is “*an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance*”.

7.3 S72 of the PLBCAA requires LPA's to pay special attention to the desirability of preserving the character and appearance of conservation areas.

7.4 The NPPF requires at paragraph 199 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*” and notes at paragraph 200 that “*any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification*”.

7.5 Paragraph c of London Plan policy HC1 states that “*Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.*”

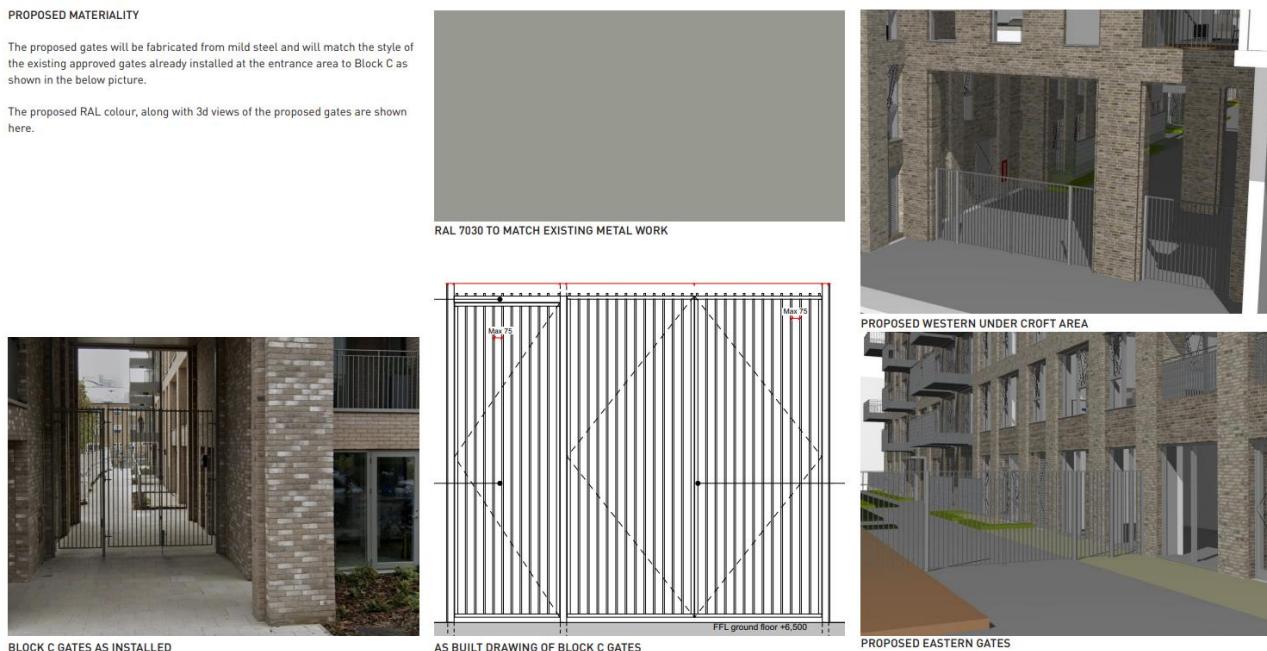
7.6 Policy S.DH1 of the Local Plan (2020) seeks to ensure development meets the highest standards of design and layout. Development should positively respond to its context by demonstrating appropriate scale, height, mass, bulk and form. It should represent good urban design, and ensure that architectural language, design of details and elements complements the immediate surroundings.

7.7 Policy S.DH3 states that significant weight will be given to the preservation and enhancement of the borough's conservation areas and also states that new development must be of high quality, sustainable, accessible, attractive, durable and well-integrated in its surroundings.

7.8 Conservation Areas are parts of our local environment with special architectural or historic qualities. They are created by the Council in consultation with the local community, to preserve and enhance the specific character of these areas for everybody.

7.9 The proposed gates are simple in design and would be sympathetic to the surroundings. It is not considered that these would detract from the character and setting of the wider conservation area.

- 7.10 The undercroft area on the western side of the building is proposed to have a fixed metal panel 2.2m high located between the existing brick columns to secure this area. The main gate is composed of two fixed panels either side of a large gate that can still provide access for the servicing requirements as well as access to the cycle storage areas and for emergency access.
- 7.11 The proposed gates to the east are composed of fixed panels, at 2.2m high either side of a large gate that is capable of providing emergency vehicle access. A small side hung pedestrian access gate is also included in this arrangement. All proposed gates and railings would be integrated into the existing landscaping.



**Figure 2 – Proposed visuals and materials of the gates**

- 7.12 The design and the materials of the proposed gate will match that of the existing gates to Block C, therefore there are no objections to the appearance of these gates.
- 7.13 With reference to the Limehouse Cut Canal Conservation Area Appraisal, one of the seven identified priorities for action for the preservation and enhancement of the Limehouse Cut Conservation Area is '*Enhance public access to the canal including new waterside facilities, bridge crossings, interpretation, mapping and signage along the Cut*' (priority point no.4). The proposed gates would not assist in achieving this priority.
- 7.14 In addition, the Limehouse Cut Canal Conservation Area Appraisal sets out opportunities and potential for enhancement and states that '*The Cut is an important link between places, an important open space and a significant heritage asset.*' The opportunity exists to improve the amenity, perception of safety, and experience of these historic waterways for all, increasing access to the canal and waterside activity and improving passive surveillance.
- 7.15 The waterspace must not be seen in isolation from the land simply as a backdrop but should provide a starting point for the design of waterside development; development must be planned in co-ordination with the water an integral part of a development. Significant benefits and enhancement to the Conservation Area can be achieved as a result of carefully designed appropriate development.
- 7.16 The Limehouse Cut Canal Conservation Area Appraisal further states that "*The opportunity exists to ensure that new development delivers a more positive relationship between new and refurbished buildings alongside the Cut, and that it relates well to both water and street*

*frontages. Constructive conservation will enable the existing sense of place to be protected and built upon.”*

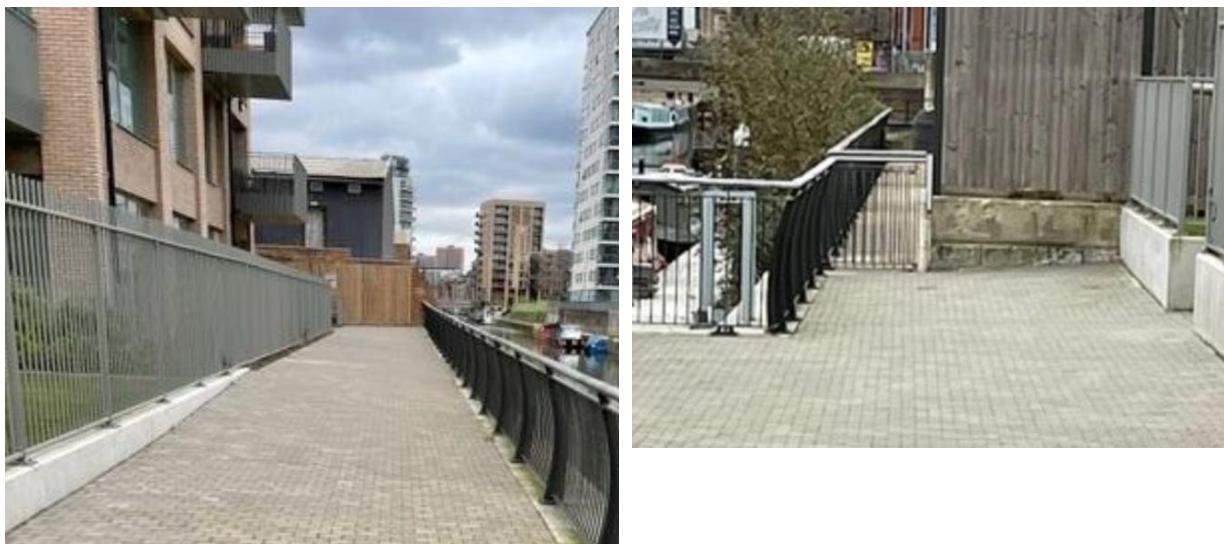
- 7.17 By locating gates at the eastern and western ends, access through the site and to the canal to the south would be restricted, thus failing to provide a positive relationship between the existing building and the Cut. Given that the canal is considered an important part of the conservation area, which provides an area of open space, restricting access would not preserve or enhance the conservation area, and fails to comply with policy S.DH3 of the Local Plan (2020).

### **Connectivity, pedestrian movement and access to water spaces**

- 7.18 Policy D5 of the London Plan (2021) states that proposed should be inclusive, convenient and welcoming with no disabling barriers and should provide high quality spaces that are designed to facilitate social interaction and inclusion.
- 7.19 In addition, London Plan policy D8 stipulates that development proposals should ensure the public realm is well-designed, safe, accessible, inclusive, attractive, well-connected, serviced and maintained.
- 7.20 Policy D11 of the London Plan relates to safety, security and resilience to emergency and sets out that boroughs should work with the Metropolitan Police and planning teams.
- 7.21 Policy SI 16 of the London Plan sets out that development proposals should protect and enhance waterway infrastructure. Part (f) of this policy states that ‘Development proposals along waterways should protect and enhance inclusive public access to and along the waterway front and explore opportunities for new, extended, improved and inclusive access infrastructure to/from the waterways’.
- 7.22 Local Plan Policy D.DH2 which relates to attractive streets, spaces and public realm, states that development is required to improve and enhance connectivity, permeability and legibility, ensuring a well-connected, joined up and easily accessible street network and wider network of public spaces. It notes that this shall be achieved through maintaining existing public routes and incorporating the principles of ‘secured by design’. It also notes the importance of maintaining pedestrian desire lines and resisting the creation of gated communities to promote social cohesion.
- 7.23 Policy S.DH1 which relates to high quality design, seeks to ensure that spaces are designed to be convenient for wheelchair users, elderly people with reduced mobility and families with young children.
- 7.24 Policy D.OWS4 of the Local Plan seeks to provide details of how the borough’s water spaces will be protected and how the various functions they offer are maintained and enhanced. Part (f) of this policy stipulates that development is required to demonstrate that it will provide increased opportunities for continuous public access, use of the water space for water-related uses and sport and recreational activities. This is also reflected in policy S.OWS2 part (d) of the Local Plan.
- 7.25 The proposed pedestrian gates at the boundary of 42-44 Thomas Road would act to restrict movement of the public along this path, by stopping people travelling from the site onto the towpath. This is contrary to Policy D.DH2, which seeks to ensure that new development protects and promotes a well-connected street network and Policy SI 16 of the London Plan, which explicitly sets out that the Thames path and towpaths, such as the Limehouse Cut pathway, should be ‘public and not private spaces’.
- 7.26 The proposed gate would not only impact on connectivity, as outlined above, but would restrict public access to the water space. In accordance with Policies S.OWS2 and D.OWS4 of the Local Plan, development adjacent to the borough’s water spaces is required to demonstrate that, amongst other things, it will provide increased opportunities for continuous

public access. In this case, the development proposal would be doing the reverse by restricting public access to the section of the Limehouse cut.

- 7.27 The applicant has acknowledged the ambition of the Council to improve accessibility to water spaces, however, has stated that access to the wider canal network cannot be gained from the rear of Thomas Road. They indicated that the canal footpath cannot connect to the development directly to the west of the site due to incompatible levels. Furthermore, the site directly to the east is yet to be developed and therefore wider access cannot be gained. As such, the applicant argues that in the absence of the vacant site coming forward, it is considered that the site at Thomas Road does not positively contribute to the accessibility of the canal.
- 7.28 The photos in Figure 3 below show that the eastern and western boundaries along the canal have been blocked up and there is no public access.
- 7.29 The canal and its secured towpath should be open and unrestricted to allow the future development of the canal footpath to be connected. Furthermore, the current public access arrangement around the site allows people access to the canal side and this would be privatised if public access is restricted.



**Figure 3:** (Left to right) Eastern end of canal path blocked and western end of canal path blocked

- 7.30 The application supporting covering letter states that the gates are proposed as a temporary measure to mitigate concerns of residents at this time and would be happy to discuss the removal of these in the future. However, this temporary nature was not referenced in the description of development on the application or the design statement. Nonetheless, Officers do not support the temporary timeframe (or permanent timeframe) as it not only fails to comply with the policies mentioned above, but also removes the benefits secured through the original planning permission and contravenes the legal agreement which is addressed below. Furthermore, temporary measure still takes away the rights of access through the site and to the water space.
- 7.31 The gates do not serve to resolve the issue of antisocial behaviour, rather it creates social exclusion. As such, alternative solutions should be explored to resolve this issue, such as improved lighting and CCTV.

S106 of the original permission (planning reference: PA.16.1041)

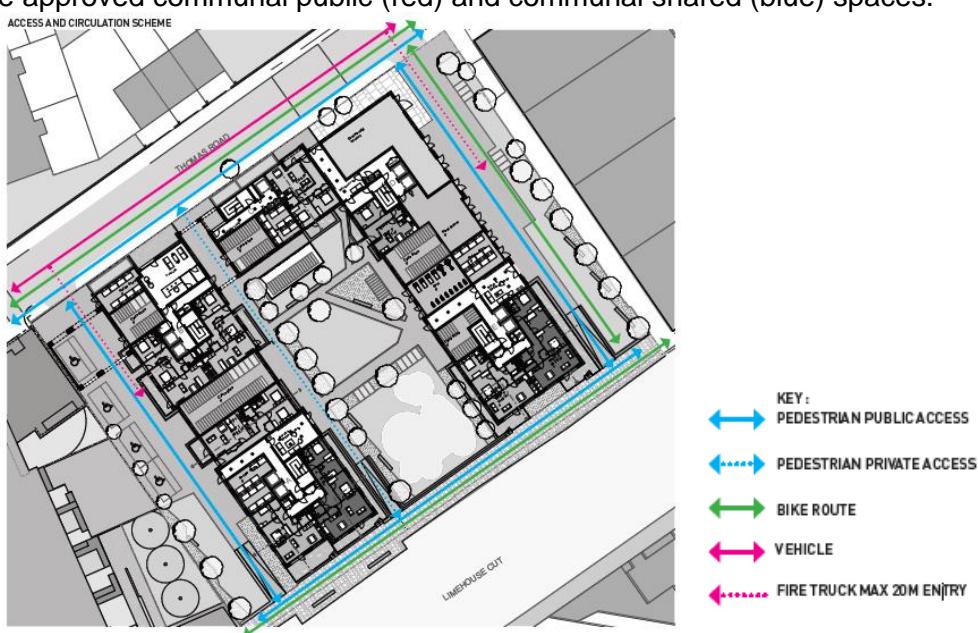
- 7.32 The committee report for the planning permission (ref: PA.16.1041) noted that a non-financial obligation within the S106 would be secured for publicly accessible open space (which is covered in Schedule 8 of the S106). This was also a requirement from the GLA -

that the delivery of play space, communal space and public open space and the canal side route should be secured.

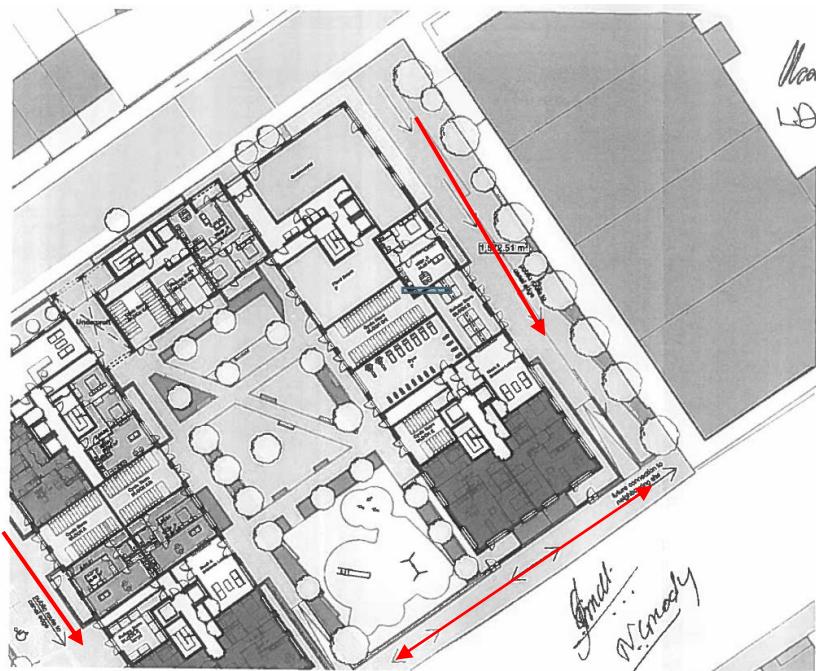
- 7.33 The original landscape proposals sought to increase permeability through the site by the creation of new linkages to the Limehouse Cut. The approved landscape proposals comprised a series of landscaped spaces across the site. The layout of the development was designed to form two new public spaces at the boundaries of the site. In the eastern part of the site, Wharf Square was designed to be a new public square which would form the main link between Thomas Road and the Limehouse Cut within the site. It is intended that the full square will be created when the adjacent development at Thomas Road Industrial Estate is brought forward. The western part of the site was designed to be a Canalside Mews which reflects the approach taken on the adjacent site at 18-36 Thomas Road (approved under planning reference: PA/11/1944).
- 7.34 The images below show the areas of public accessible spaces which were approved as part of the original planning application. The proposed gates along Thomas Road would prevent access to the approved and legally secured public accessible spaces, thus would be in breach of the legal obligations secured for the approved planning permission.



**Figure 4:** Extract from the approved Design and Access Statement of PA.16.1041 showing the approved communal public (red) and communal shared (blue) spaces.



**Figure 5:** Extract from the approved Design and Access Statement of PA.16.1041 showing the approved pedestrian public (blue line) and private (blue hatched line – running through middle of site only) access routes.



**Figure 6:** Schedule 8 of the signed S106 which shows the areas of 'Public Open Space' (excluding the courtyard, private amenity, defensible space)

- 7.35 Figure 6 is an extract taken from the final signed legal agreement to PA.16.1041 and shows the publicly accessible routes through the site to the canal edge and also clearly indicates the future connection to neighbouring sites along the canal path (marked on the plan in red to assist the reader).
- 7.36 Clause 1d of Schedule 8 of the legal agreement states that 'the Owner covenants with the Council to retain the Public Open Space for use as a publicly accessible open space for the lifetime of the development.'
- 7.37 In summary, should the 3 gates be approved, the publicly accessible routes which were approved as part of the planning permission would no longer be available and obligations in the legal agreement cannot be met.

#### **Antisocial Behaviour**

- 7.38 Development is required to protect and where possible enhance or increase the extent of the amenity of existing occupants.
- 7.39 Part B of para 92 of the NPPF states that decisions should ensure that communities are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.
- 7.40 Policy D3 of the London Plan states that developments should achieve safe, secure and inclusive environments and achieve environments that are comfortable and inviting for people to use.
- 7.41 Local Plan policy D.DH2 relates to how development should be designed and managed to ensure a reduction in anti-social behaviour. The policy seeks to ensure 'secure by design' principles are incorporated into schemes to improve safety and the perception of safety for pedestrians and other users.
- 7.42 Whilst the applicant has indicated that the purpose of the pedestrian gates is to deter crime and improve security for residents, this does not outweigh the harm to local residents and visitors that would be caused through the restricting access to a water space and public right

of way in the future. Such interventions are not considered to be effective methods of crime prevention and can act to simply displace anti-social behaviour. Instead, policy D.DH2 encourages the use of more passive measures to enhance safety and the perception of safety. In addition, the proposal would be detrimental to public safety on the grounds that, when walking along the Limehouse Cut should the canal path be made publically accessible in the future, towards the site, people would reach a dead end with a lack of passive surveillance.

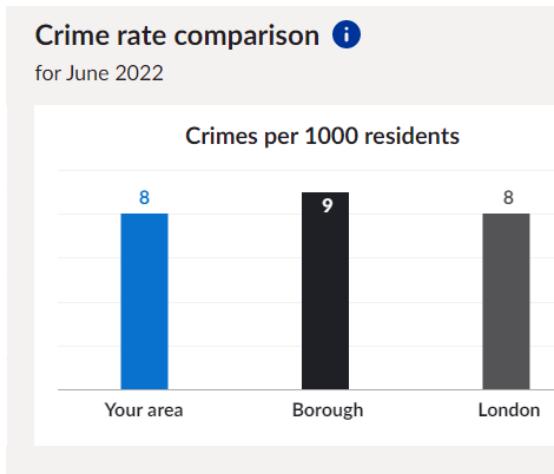
- 7.43 Having used the Metropolitan police website, the top reported crimes in Mile End in June 2022 were as follows:

Top reported crimes <span style="color: blue;">i</span>	
for June 2022	
Harassment	23
Assault without injury	19
Miscellaneous theft	18

Source: [www.met.police.uk](http://www.met.police.uk)

**Figure 7:** Hot spot areas

- 7.44 Using the same source, it has been possible to obtain a breakdown of crimes for June 2022 per 1000 population within the Mile End ward, compared to the Borough and London. The results are below:

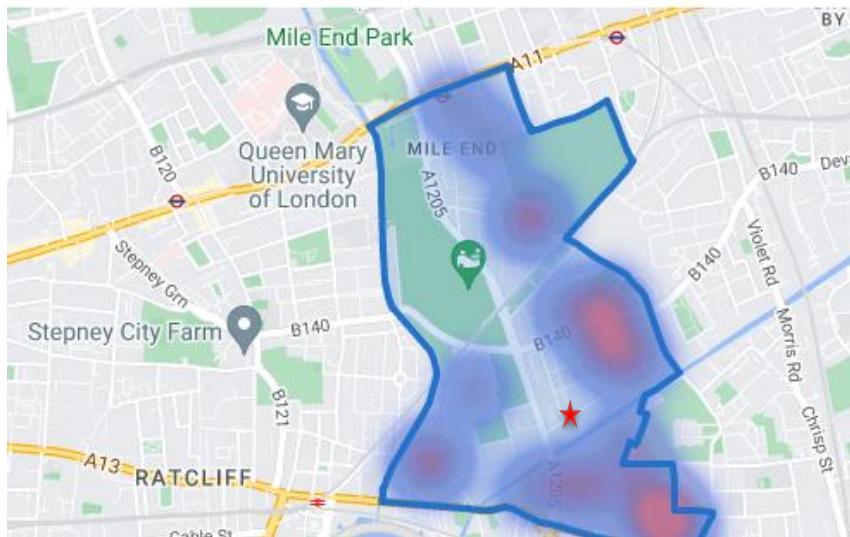


Source: [www.met.police.uk](http://www.met.police.uk)

**Figure 8:** Crime rate comparison

- 7.45 The results show that In June 2022, the Mile End ward experienced 8 crimes per 1000 residents which is comparable to that of London as a whole. Therefore, officers do not consider that this site is of a particular high-risk area that would justify a departure from policy to allow the provision of the gates.

- 7.46 This is further supported by the fact that the site, which is marked by the red star below, falls outside of the crime hotspot areas (shown in red and blue).



Source: [www.met.police.uk](http://www.met.police.uk)

**Figure 9:** Hot spot areas

- 7.47 To better understand the potential correlation between the impact of the proposed gates with the existing number of crimes for the Mile End ward and the Thomas Road area, a review has been undertaken of the crime statistics of the Mile End precinct during the month of April over the last 3 years. As per the below table, there was a general overall increase in crime across the surrounding area between 2020 and 2021 with it decreasing between 2021 and 2022.

Area	Total Number of Crimes Reported		
	April 2022	April 2021	April 2020
Ward – Mile End	245	317	392
Location – Thomas Road	9	14	8
Percentage of crimes for the Ward	3.6%	4.4%	2%

Source: [www.police.uk](http://www.police.uk)

**Figure 10:** Total Number of report crimes in Mile End ward and Thomas Road

- 7.48 The above table shows that comparatively the site attracts a relatively small proportion of the overall crimes experienced in this area. As such, officers consider that on balance there is insufficient justification for the proposal.
  - 7.49 It should also be noted that recorded offences for the residential development to the west, 18-36 Thomas Road (which is an ungated development), are relatively few, the majority being theft of or from vehicles, parcel theft and offenders using fire drop keys to gain access to blocks.
  - 7.50 Historically, the SBD officer has supported gates to both the eastern and western entrance as he considers that will reduce the incidence of crime on this site whilst recognising that the crime will be displaced elsewhere. He has also supported this proposal and sought further information with regards to the height of the gates. However, as the principle was not supported by officers, it would be unreasonable to seek amendments to address his concerns.

- 7.51 Whilst officers acknowledge the SBD officers' comments, officers consider that in the long term this would simply displace ASB activities, and officers consider that the level of ASB is not so significantly high as to warrant a departure from policy. Instead, the Council through its policy D.DH2, encourages the use of more passive measures to enhance safety and the perception of safety.
- 7.52 Also, officers consider that security could have been better had the developer not failed to achieve the required SBD Gold Standard accreditation during the build process and as required by condition. This is a matter that will be pursued separately using the Council's enforcement powers.
- 7.53 The publicly accessible spaces and the access to the waterway form part of the benefits package of the original development scheme (PA/16/1041) where care was taken not to encourage or support gated communities, and this carried some weight in the determination of the application, hence why this has been secured as a s.106 contribution.
- 7.54 Officers have considered all the information submitted with this application, and both statutory and non-statutory consultation responses. Officers consider that the planning justification for the gates do not outweigh the harm to local residents and visitors that would arise from restricting access to a water space and a public right of way in the future.

### **Conclusion**

- 7.55 Whilst the design of the gates is considered to be appropriate, the location of the gates would restrict access and would not preserve or enhance the character of the conservation area. Therefore, the proposal cannot be supported from a heritage perspective and fails to comply with policy S.DH3 of the Local Plan.
- 7.56 In addition, the proposed pedestrian access gates would restrict public access to water space, in the form of the Limehouse Cut, thus restricting movement on a public access way and would not promote socially inclusive and cohesive neighbourhood which is contrary to Policies S.OWS2, D.OWS4 and D.DH2 of the Tower Hamlets Local Plan 2020 and Policies D3, D5 and SI16 of the London Plan.
- 7.57 Finally, the proposed gates would contravene the requirement agreed within the S106 to retain the public open space for use as a publicly accessible open space for the lifetime of the development.

### **Human Rights & Equalities**

- 7.58 From a human rights and equality standpoint, the proposal raises concern in relation to the potential impacts on those with disabilities or physical impairments. As a result of the installation of the gates, access through and around the development area would be encumbered.
- 7.59 Disability is a protected characteristic under the Equality Act 2010 and public authorities have an equality duty to integrate consideration of equality and good relations into its decision making processes. The proposed development has the potential to result in adverse impacts upon equality and social cohesion and this has not been adequately addressed through the application.

## **8. RECOMMENDATION**

- 8.1 That subject to any direction by the Mayor of London, **conditional planning permission is REFUSED** for the following reasons:
1. The proposed pedestrian access gates would restrict movement on a publicly accessible space and would not promote socially inclusive and cohesive neighbourhood which is contrary to Policy D.DH2 of the Tower Hamlets Local Plan (2020 and Policies D3 and D5 of the London Plan (2021).

2. The proposed pedestrian access gates would restrict public access to water space, in the form of the Limehouse Cut, which is contrary to Policies S.OWS2 and D.OWS4 of the Tower Hamlets Local Plan (2020) and policy SI16 of the London Plan (2021).
3. The proposed gates would contravene the requirement agreed within the S106 to retain the public open space for use as a publicly accessible open space for the lifetime of the development.
4. The proposed pedestrian access gate would act to restrict access to the Limehouse Cut, which is a key open space within the Limehouse Cut Conservation Area, and hence would not preserve or enhance the character of the conservation area. Therefore, the proposal is contrary to Policy S.DH3 of the Tower Hamlets Local Plan (2020).

## **APPENDIX 1**

### **LIST OF APPLICATION PLANS AND DRAWINGS FOR APPROVAL**

#### **Schedule of Drawings**

- 3332\_PL(20)\_100
- 3332\_PL(20)\_101
- 3332\_PL(20)\_102
- 3332\_PL(20)\_103
- 3332\_PL(20)\_104
- 3332\_PL(20)\_105
- 3332\_PL(20)\_106
- 3332\_PL(20)\_107

#### **Schedule of Documents**

- Covering letter from Savills, dated 14.12.21
- Design Statement, prepared by Stock Wool, ref: Rev A, 05.01.22