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| <b>Committee:</b><br>Development | <b>Date:</b><br>10th March 2011 | <b>Classification:</b><br>Unrestricted | <b>Agenda Item Number:</b> |
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| <b>Report of:</b><br>Director of Development and<br>Renewal | <b>Title:</b> Town Planning Application |
| <b>Case Officer:</b><br>Beth Eite                           | <b>Ref No:</b> PA/10/02510              |
|   | <b>Ward:</b> Mile End and Globe Town    |

## 1. APPLICATION DETAILS

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|----------------------------|---|
| <b>Location:</b>           | Land Adjacent To Bridge Wharf, Old Ford Road, London  |
| <b>Existing Use:</b>       | Vacant land   |
| <b>Proposal:</b>           | Erection of 2no. three storey, four bed houses.   |
| <b>Documents:</b>          | Impact Statement, Design and Access Statement, Arboricultural Impact Assessment by Marishal Thompson Group, Parking Survey Report by Stilwell Partnership   |
| <b>Drawing Nos:</b>        | 2 (01) 00, 2 (03) 00, 2 (04) 00, 2 (05) 00, 2 (05) 01, 2 (05) 02, 2 (05) 03, 2 (09) 00, 2 (12) 00, 2 (12) 01, 2 (12) 02, 2 (12) 03, 2 (13) 00, 2 (14) 00, 2 (14) 01, 2 (14) 02, 2, (14) 03, 2 (20) 00, 2 (20) 01 and 2 (20) 02, |
| <b>Applicant:</b>          | Renaissance Investments   |
| <b>Ownership:</b>          | As above  |
| <b>Historic Building:</b>  | N/A   |
| <b>Conservation Areas:</b> | Regents Canal & Victoria Park   |

## 2. RECOMMENDATION

- 2.1 That the Committee notes the details of this report and officers' advice regarding the appropriate form of the new motion (at paragraph 3.5) when resolving either to grant or refuse the planning application proposing the erection of 2x4 bed houses at Bridge Wharf, Old Ford Road.

## 3. BACKGROUND

- 3.1 At its meeting of 10 February 2011, the Council's Development Committee resolved **NOT TO ACCEPT** officers' recommendation to GRANT planning permission (subject to conditions) for the erection of 2, three storey, four bedroom houses:
- 3.2 Members were minded to refuse planning permission for the following reasons:
- The scale of development/overdevelopment and the impact of proposal on the openness of the immediate area;
  - Loss of open space;
  - The overall sustainability credentials of the proposed development;
  - Concerns over highway safety, caused by the close proximity of front doors to the back

edge of pavement, overall pavement widths in the vicinity of the site, poor visibility on Old Ford Road and the potential for increased accidents.

- 3.3 Following the 10 February Committee, officers have received a follow up objection letter (to the one that was referred to in the previous addendum report). This further letter deals specifically with the issue of the loss of open space and the previous report's alleged failure to properly address the detrimental impact of the proposed development on the character and appearance of the Victoria Park Conservation Area and the Regents Canal Conservation Area. Members may also have received individual copies of this letter.
- 3.4 The letter also comments on the developed/undeveloped status of the site; whether it can be classed as brown-field land (previously developed) and then reviews the site history in considerable detail, including the background to the previously approved footbridge and community facility. The letter questions officers' previous comment that the removal of the high brick wall onto Old Ford Road would provide a more attractive public realm and highlights and emphasises the importance of the wall, dock and wooded open space on either side of the dock in terms of conservation area character and appearance. The letter specifically refers to the importance of canal-side features as part of conservation area character.
- 3.5 Officers have interpreted Members' previous reasons/concerns and have drafted reasons for refusal to cover the points and issues highlighted. The two reasons for refusal are suggested as follows:
1. The proposed development, by reason of its scale, mass and increased sense of enclosure, would result in an overdevelopment of this restricted site and a loss of open space, detrimental to the open character and visual amenities of the area and the character and appearance of the Victoria Park Conservation Area and the Regents Canal Conservation Area, contrary to polices SO23, SP02 and SP10 of the adopted Core Strategy Development Plan Document (2010), policy DEV1 and OS7 of the Unitary Development Plan 1998 ("saved") and polices DEV2, CON2 and HSG1 of Tower Hamlets Interim Planning Guidance (2007).
  2. The proposed development, in view of the restricted pavement width found within this stretch of Old Ford Road, the highway alignment in the vicinity of the site and the proposed layout of the buildings close to the back edge of footway, would be detrimental to highway/pedestrian safety, contrary to policies SO20, SO21, SP03 and SP09 of the adopted Core Strategy Development Plan Document (2010) and policy DEV17 of Tower Hamlets Interim Planning Guidance (2007).

#### **4. OFFICER COMMENTARY**

- 4.1 Issues associated with the scale and mass of the development and the impact of that scale on the open character or the area adjacent to the Regents Canal, the importance of this area of open space in terms of recreational and amenity value and the impact of the development on the character and appearance of the conservation area are matters of judgement and would represent reasonable and sustainable reasons for refusal, should Members agree to re-affirm their previous resolution and refuse planning permission on this ground alone.
- 4.2 Issues associated with the impact of the development on highway safety will be significantly more challenging to defend on appeal. Your officers have discussed Members concerns with Highway colleagues who have advised that defending a refusal on grounds of highway safety would be very difficult to sustain. As Members will be aware, failure to adequately defend reasons for refusal on appeal could well lead to costs awarded against the local planning authority.

- 4.3 Whilst officers agree that the footway width is narrow in this location, the increase in pedestrian flows generated by this development will be insignificant, so the ability of the footway to accommodate pedestrians at a level of acceptable safety will not be compromised.. There is currently no private forecourt area adjacent to this development site so the construction of the proposed two houses would not further restrict the amount of space available to pedestrians, compared to the existing situation. Over the last 36 months, there have been three accidents in the vicinity of the site. Two of these accidents were slight, where vehicles turning out of Sewardstone Road collided with passing traffic on Old Ford Road. The other accident (albeit more serious) involved a 9 year old female pedestrian which occurred west of the junction of Old Ford Road and Type Street. As no vehicular access points onto the site are proposed, vehicle collisions are not considered to be a reasonable possibility. Therefore, for the reasons referred to above, your officers consider that no material harm to highway or pedestrian safety would result from permitting this development.

## **5. IMPLICATIONS OF THE DECISION**

- 5.1 Should Members decide to re-affirm their previous resolution and refuse planning permission, either as previously confirmed or as amended (following consideration of this report) there are a number of possibilities open to the Applicant. These would include (though not limited to):-
1. Resubmission of an amended scheme to overcome reasons for refusal;
  2. Lodge an appeal against the refusal of the scheme. The Council would vigorously defend any appeal against a refusal.

## **6. CONCLUSION**

- 6.1 All other relevant policies and considerations have been taken into account. It is recommended that Members consider the draft reasons for refusal alongside the previous report presented to the 10 February 2010 Development Committee (see Appendix 1), Section 4 of this report (Officer Commentary) and determine the planning application as they see fit.

## **7. APPENDICIES**

- 7.1 Appendix One – Committee Report to Members on 10<sup>th</sup> February 2011.
- 7.2 Appendix Two – Addendum Report to Members on 10<sup>th</sup> February 2011.