

Committee: Development	Date: 14 September 2011	Classification: Unrestricted	Agenda Item No: 7.1
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Mandip Dhillon		Ref No: PA/10/2786	
		Ward(s): Millwall	

1. APPLICATION DETAILS

Location: St David's Square, Westferry Road, E14
Existing Use: Residential
Proposal: Erection of entrance gates to Westferry Road, Ferry Street and Thames Walkway together with associated walls to perimeter estate.

Drawing No's: E101-00A, E02-02, E02-01, P02-01, P02-04, P02-03, E02-04, E02-03, P02-02 and E01-01.

Supporting documentation:

Planning Report prepared by T.J.Edens

Applicant: Consort Property Management
Owner: Freehold Managers PLC
Historic Building: None within site, however site adjoins the Ferry House Pub which is Grade II listed.
Conservation Area: South eastern corner of the site only- Island Gardens conservation area

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 Unitary Development Plan, Interim Guidance, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- *The proposal would introduce security measures at the site which are overbearing and would compromise the visual quality of the local environment. The level of incidents of crime at the application site are not exceptional to support the provision of gates and fixed means of enclosure, especially where other less invasive measures have been identified which would improve the safety and security of the St David's Square development. The proposal is therefore contrary to policy 7.3 of the London Plan 2011, saved policy DEV1 of the Unitary Development Plan 1998, policies DEV3 and DEV4 of the Interim Planning Guidance 2007 and policy SP09 of the Core Strategy 2010.*
 - *The proposal would restrict full public access resulting in an unacceptable form of development that would fail to retain a permeable environment, by reason of the loss of an existing north-south pedestrian route to the strategically designated Thames Path walkway. As such the proposal is contrary to DEV1, DEV48, DEV65 and DEV66 of the UDP 1998, SO20 and SP09 of the Core Strategy 2010, DEV2, DEV3 and DEV16 of the IPG 2007 and policies 7.1, 7.2, 7.5, 7.27 and 7.29 of the London Plan July 2011 which state that developments should promote high quality design, be accessible and permeable for all uses.*
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- *The proposed gates and fixed means of enclosure by virtue of their height and scale would appear visually intrusive and result in an inappropriate form of development that would create a 'gated' community and would therefore fail to achieve an inclusive environment and create an unacceptable level of segregation. As such the proposal is contrary to policies DEV1 of the UDP 1998, SP09 of the Core Strategy 2010, DEV2 and DEV3 of the IPG 2007 and 7.1 and 7.4 of the London Plan July 2011 which state that developments should be convenient and welcoming with no disabling barriers so everyone can use them independently without undue effort, separation or special treatment.*

3. RECOMMENDATION

- 3.1 That the Committee resolve to **REFUSE** planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposes the erection of entrance gates and fencing to the existing St David's Square development the constituent parts of which comprise:
- changing the existing pedestrian entrance gate at Westferry Road into a restricted (fob) operated gate which provides access to residents only (no change to design of gate);
 - a new gate measuring 1.6metres in height at the main vehicular access at Westferry Road (with electronic opening for residents only);
 - a new brick wall measuring 1metre and two metal gates measuring 1.5metres along the River Walkway frontage, one gate will provide restricted (fob) operated access for residents. The second gate is stated to be for emergency vehicular access only;
 - A new brick wall measuring 1.4metres and a metal pedestrian gate with restricted (fob) operated access and a metal gate for emergency vehicular access only measuring 1.5metres providing access to residents only.

Site and Surroundings

- 4.2 The application site is located to the south of the Westferry Road with the River Thames and the Thames Walkway forming the sites southern boundary.
- 4.3 The St David's Square development is a large site covering 2.73 hectares and is roughly rectangular in shape. The site comprises of 8 main development blocks with some perimeter housing fronting Westferry Road.
- 4.4 The site is accessed from Westferry Road where there is an existing unrestricted vehicular entrance and an unlocked pedestrian access. There is an existing and unrestricted pedestrian access off East Ferry Road. This entrance does provide vehicular access, however this is for service vehicles entering the St David's Square estate and vehicles accessing the car park of the restaurant located within the south east corner of the development. The other main entrance into the site is along the Thames Walkway, which provides a pedestrian route through the development to Westferry Road.
- 4.5 The site has a Public Transport Accessibility Level (PTAL) of 2/3. The closest stations to the site are located at Island Gardens and Mudchute. The site is close to bus routes numbers D7, 135 and D3.
- 4.6 The site falls within the Strategic Riverside Walkway (as identified in the London Plan) which runs along the south of the site and along part of the eastern boundary.

Planning History

- 4.7 Planning application PA/10/2786 was presented to the Development committee on 6th April 2011 with a recommendation for refusal. A copy of the Committee Report and the Committee Update Report is attached at **Appendix A** for completeness and also for information.
- 4.8 At the 6th April 2011 Development Committee Members deferred the decision on this application in order to seek further information on the following matters:
- the levels of anti-social behaviour at St David's Square and comparable levels with the remainder of the Isle of Dogs and the Borough;
 - the availability of alternate routes to Thames Walkway and Westferry Road and any likely access restrictions; and
 - It was also recommended that a meeting of Millwall Crime Team, the local Police and residents should be arranged to discuss problems of anti-social behaviour affecting St David's Square.
- 4.9 Following the meeting of the Development Committee, the Councils Crime Prevention Officer prepared a report relating to the site. This is appended to this committee report as **Appendix B**. In addition, a report setting out crime statistics, as requested by members was also prepared by the Crime Prevention Officer and is attached at **Appendix C**.
- 4.10 The applicants provided the following additional information following on from the committee meeting:
- Letter from Consort Property Management dated 15th April 2010
 - Site Permeability
 - Public Access to the River Walkway
 - Intrusion, Anti-social behaviour and Damage-Sample Log
 - Annotated Photographs of the Application site (x8 pages)
 - Attempts by the Residents Association and the Management Company to reduce the Crime and Intrusion incidents
- The above information is included at **Appendix D**.
- 4.11 Following the submission of additional information, an on-site meeting was arranged at St David's Square which was attended by the Crime Prevention Officer, the Planning agent, members of the residents association at St David's Square, a member of staff from the concierge desk at St David's Square and planning officers. The meeting principally focused on assessing the option put forward by the Crime Prevention Officer which involved interventions at the site without providing gates. Minutes of the meeting (which have been agreed by all parties) are attached at **Appendix E**.
- 4.12 Following the issuing of minutes, and as suggested at the on-site meeting, Officers recommended that the applicants provide feedback, either through revisions to the scheme or comments as to why they are not accepting the recommendations put forward by the Crime Prevention Officer. A formal response letter was received by the Local Planning Authority advising that no changes were proposed, this note is attached at **Appendix F**.
- 4.13 As this application is now being presented afresh to a new planning committee, a new committee report has been prepared and the above issues and additional documentation is assessed within the main body of this report for consideration by members.
- 4.14 There are a number of historic planning permissions relating to this site however the London Docklands Development Corporation applications of the 1990s are the most relevant.

- 4.15 T/90/160 – Outline application for residential development was granted subject to a Section 106 agreement. The site was known as Lockes Wharf at application stage but is now known as the St David’s Square development.

On 15th September 1995, outline consent was granted with a section 106 agreement for the provision of a riverside walkway to the south of the site running along the eastern boundary and exiting at the eastern boundary of the site onto East Ferry Road.

- 4.16 T/97/00016 - Approval of details of reserved matters pursuant to conditions 2 a-g, 7, 8 & (of Outline T/90/160. Approved 10/10/97.
- 4.17 PA/97/292 – Redevelopment by the erection of a four storey building totalling 734sqm for use as A1/A2/A3/B1 use on ground floor and A2/A3/B1 uses on upper floors. Approved 3/12/97. This site forms the north eastern corner of St David’s Square at the junction of Westferry Road and East Ferry Road.
- 4.18 PA/99/1081 - Erection of a five storey building comprising ground floor of A1, A2, A3 or B1 use, together with first, second, third and fourth floors for residential use and car parking for 13 cars in St David’s Square to the rear. Approved 4/4/00.
- 4.19 PA/07/1657 – Erection of four gates to the residential development at St David’s Square to Westferry Road, Ferry Street and the riverside walkway facing the Thames River. This application was withdrawn by the applicant on 26/10/2007 as the application was due to be refused for the creation of a gated community at the site.
- 4.20 A number of applications were submitted for the minor alterations throughout the course of the main development in the 1990’s, alongside approval of detail applications, however the main applications have been detailed above.

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 2010

Policies:	SP04	Creating a green and blue grid
	SO20	Creating attractive and safe streets and spaces
	SO21	Creating attractive and safe streets and spaces
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places

5.3 Unitary Development Plan 1998 (as saved September 2007)

Proposals:		Strategic Riverside Walkway
Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV48	Strategic Riverside Walkways and New Development
	DEV64	Strategic Riverside Walkway Designation
	DEV65	Protection of existing walkways
	DEV66	Creation of new walkways
	T16	Transport and Development

5.4 **Interim Planning Guidance for the purposes of Development Control (October 2007)**

Proposals: Isle of Dogs Area Action Plan

Policies:

DEV1	Amenity
DEV2	Character and Design
DEV3	Accessibility and Inclusive Design
DEV4	Safety and Security
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
CON1	Listed Buildings
CON2	Conservation Areas

5.5 **Supplementary Planning Guidance/Documents**

Riverside Walkways
Designing Out Crime Parts 1 and 2

5.6 **Spatial Development Strategy for Greater London (London Plan) July 2011**

Polices

7.1	Building London's Neighbourhoods and Communities
7.2	An inclusive environment
7.3	Designing out Crime
7.4	Local Character
7.5	Public Realm
7.27	Blue Ribbon Network: supporting Infrastructure and Recreational Use
7.29	River Thames

5.7 **Government Planning Policy Guidance/Statements**

PPS1 Delivering Sustainable Development
PPS5 Planning and the Historic Environment
PPG13 Transport
Draft National Planning Policy Framework July 2011

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 RESPONSE**

6.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

LBTH Highways

6.2 A summary of the LBTH Highways comments are provided below:

- There is no established public right of way across the site;
- Installation of the four gates will restrict the permeability of the development and create a gated community;
- Restriction through the use of gates would create a single pedestrian route through a car park which is not easy to navigate due to poor legibility;
- The car park route does not provide a safe or direct or convenient route;
- No objections are raised with regard to the impact of vehicles queuing as a result of the gates proposed on the Westferry Road vehicular entrance.

- Highways Officers do not consider that the appeal site at Lockes Field which is referred to by the applicants can be used as a comparable example as the Lockes Field site does not have a requirement to provide a public right of way, unlike St David's Square which provides an unrestricted pedestrian link from Westferry Road to the Thames Path Walkway. The Lockes Field site was historically gated at the northern end of the site preventing a pedestrian north-south link through the site.

Environment Health (Contaminated Land)

- 6.3 The site and surrounding area have been subjected to former industrial uses. It is therefore proposed to impose a suitable condition upon any decision notice issued should any contamination be encountered.

(Officer Comment: Conditions to cover the planning issues raised by the Environment Health department would be placed on any permission issued.)

LBTH Crime Prevention Officer

- 6.4 Comments from April 6th Planning committee:

The local Safer Neighbourhood Police Team Sergeant, has advised that very few problems have been brought to their attention on the site and that at a recent ward panel meeting no specific issues relating to crime or anti-social behaviour were raised

He considers that there is insufficient criminal activity to warrant gating the whole estate such that it becomes a gated development. Having looked purely at vehicle crimes, he considers that these are quite low in comparison to other areas, and any need to restrict vehicle access to the development can be adequately covered by bollards that rise out of the ground.

In respect to other incidents he considers that improved security measures aimed at specific buildings and units rather than the estate as a whole would be recommended rather than full gating of the development given it was designed to be permeable.

Further comments received:

A report has been prepared with options to improve security through non-gating measures at St David's Square estate. An analysis of the applicants proposals has also been undertaken by the Crime Prevention Officer (Appendix B).

The reports states that the proposed height of the gates within the application are not considered to be sufficient to address the concerns of anti-social behaviour and has suggested that the height of these gates needs to be increased to 2metres.

(Officer Comment: The applicants are not willing to pursue this recommendation (to increase the height of the proposed gates and walls) and therefore the applicants purpose of installing gates to deter access into the site is considered to be compromised.)

LBTH Aboricultural Officer

- 6.5 No comments received

Transport for London

- 6.6 No comments received

Chapel House Tenants Association

- 6.7 No comments received

Burrells Wharf Tenants Association

6.8 No comments received

7. LOCAL REPRESENTATION

7.1 A total of 541 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 in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

7.2 No. of individual responses: 12 Against: 4 In Support: 8
Number of pro-forma responses: 167

Total in support : 175

Total in objection: 4

7.3 Comments of Objections:

- Application will create a gated community/prison like environment

7.4 Comments in Support (Individual responses)

- Need to increase security at St David's Square;
- Precedents set on the Isle of Dogs including Langbourne Place adjoining the site;
- Anti-social behaviour in the area;
- Intrusions at the development leading to acts of threatening and anti-social behaviour, theft, vandalism and dangerous behaviour at the developments water feature;
- Thefts and vandalism in the car park;
- Use of car park by non-residents;
- Use of water feature as a bathing pool;
- Gating will reduce anti-social behaviour and intrusions;
- Majority of people use the Ferry Street access therefore the provision of gates will not hinder public access along the River Thames.

7.5 Comments of Objection (Pro-forma Responses)

- Proposal is unnecessary and will encourage inquisitive youths to gain entry into the site by erecting gates and associated perimeter walls.

7.6 Officer comment: All of the above comments received are addressed in the main body of the committee report under 'Material Planning Considerations'.

8. MATERIAL PLANNING CONSIDERATIONS

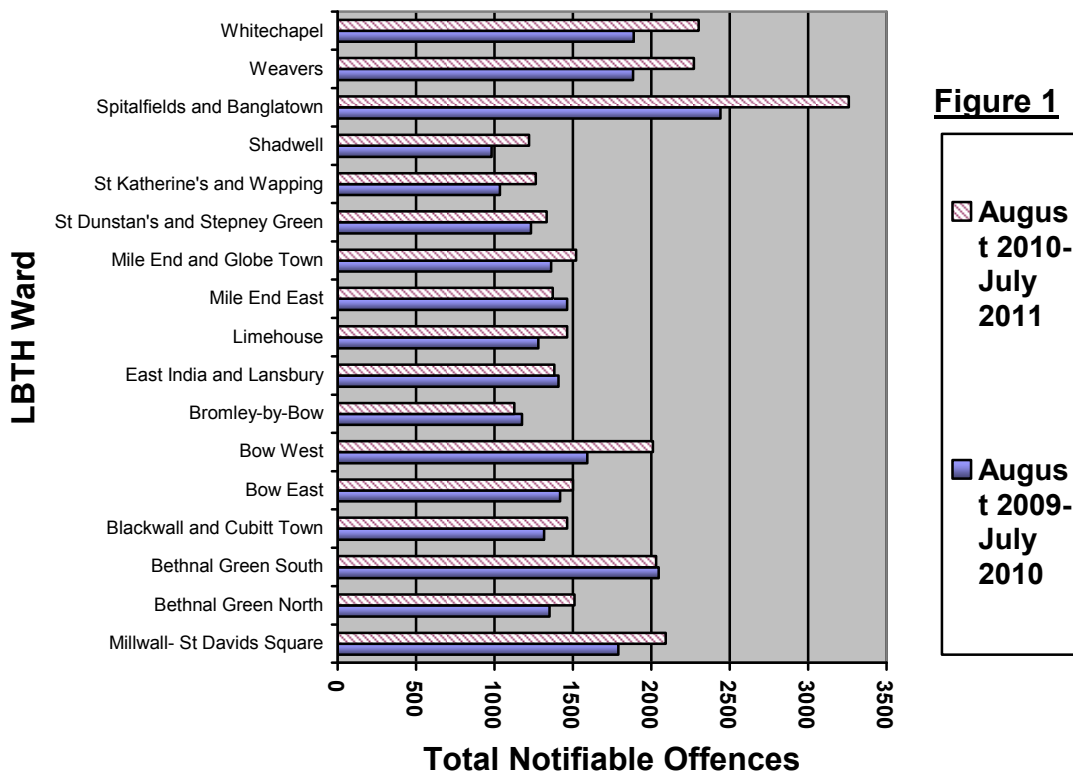
8.1 The main application has been assessed against all relevant policies under the following report headings:

1. Crime
2. Accessibility/Permeability
3. Design
4. Amenity
5. Transportation

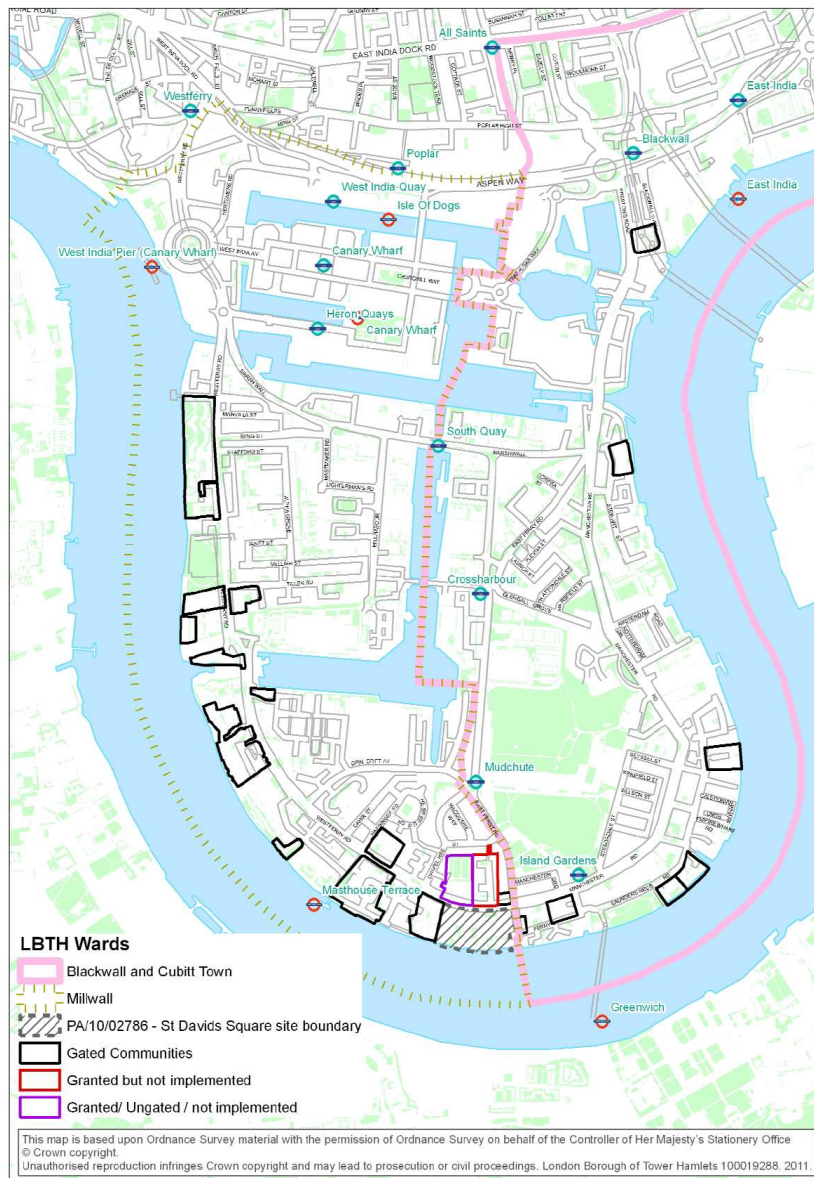
8.2 The application proposes no change of use at the site and therefore raises no land use implications.

Crime

- 8.3 The planning application proposes a number of gates and walls around the St David's Square site to restrict access into the site by non-residents. At present access to the St David's Square site is unrestricted. The application has been submitted to seek to address concerns raised by residents that the unrestricted access is the cause for anti-social behaviour and incidents of crime at the application site. Full details of the levels of crime are detailed below.
- 8.4 Policy 7.3 of the Adopted London Plan 2011 seeks to create safe, secure and appropriately accessible environments where crime and disorder and the fear of crime do not undermine quality of life or cohesion. The policy goes on to highlight that developments should reduce opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.
- 8.5 Saved policy DEV1 of the Unitary Development Plan 1998 also requires development proposals to be designed to maximise the feeling of safety and security for those using the development.
- 8.6 Policy DEV3 of the Interim Planning Guidance 2007 seeks to ensure accessibility and inclusive design is a part of all development proposals, in particular it states that 'gated' communities will not be supported and the supporting text advocates that use of wayfinding, legibility and signage to encourage movement and pedestrian links.
- 8.7 Policy DEV4 of the Interim Planning Guidance 2007 seeks to provide guidance on creating environments that feel safe to use and contribute to the quality of life and economic prosperity of an area.
- 8.8 Policy SP09 (2c) of the adopted Core Strategy 2010 states that gated communities will not be supported. The supporting text for policy SP09 highlights evidence from the Urban Design Compendium 2 dated 2007 which states that a high quality urban environment and layout can help deliver social benefits, including civic pride, increased connectivity, social cohesion, reduced fears of crime and improved health and well being. The supporting text goes on to state that a poor quality public realm can have severe negative effects on communities.
- 8.9 The principle of providing walls and railings to create a gated community is not supported by the London Plan 2011 or Tower Hamlets planning policies. The Crime Prevention Officer advises that in exceptional circumstances the Council should consider making an exception to the policy position. In order to look at the exceptional circumstances, an analysis of the levels of crime experienced at the application site has been undertaken in conjunction with the Crime Prevention Officer looking at non-gating options for the application site.
- 8.10 In order to provide a truly comparative profile of crime levels, details of crime have been investigated within individual wards of the LB Tower Hamlets as well as that recorded on the St David's Estate. All information below is taken from the Metropolitan Police (website) and is therefore a summary of all 'notifiable' crimes. The Metropolitan Police website defines a notifiable offence as is an 'incident where the police judge that a crime has occurred. Not all incidents that are reported to the police result in a crime'.
- 8.11 The chart below at Figure 1 shows the total notifiable crime within all of the wards of Tower Hamlets. All information is taken from the Metropolitan Police website.



- 8.12 The St David's Square estate is located within the Millwall ward, however the site is very close to the boundary of the adjoining ward of Blackwall and Cubitt Town which lies to the east of the site. Figure 1 above shows that the Millwall ward is not an area which currently experiences the worst incidents of crime within the LB Tower Hamlets. The Spitalfields and Banglatown, Whitechapel and Weavers wards currently experience the worst incidents of crime. The Millwall, Bethnal Green South and Bow West wards experience relatively similar levels of crime of approximately 2000 incidents over the 2010-2011 period.
- 8.13 Figure 1 also indicates that crime levels in Millwall are higher than the adjoining Blackwall and Cubitt Town ward despite the fact that a majority of gated communities are located in the former as can be seen in Map 1 below. Therefore there is an argument to suggest that gating a development does not have the perceived benefits of actually reducing crime levels.



Map 1

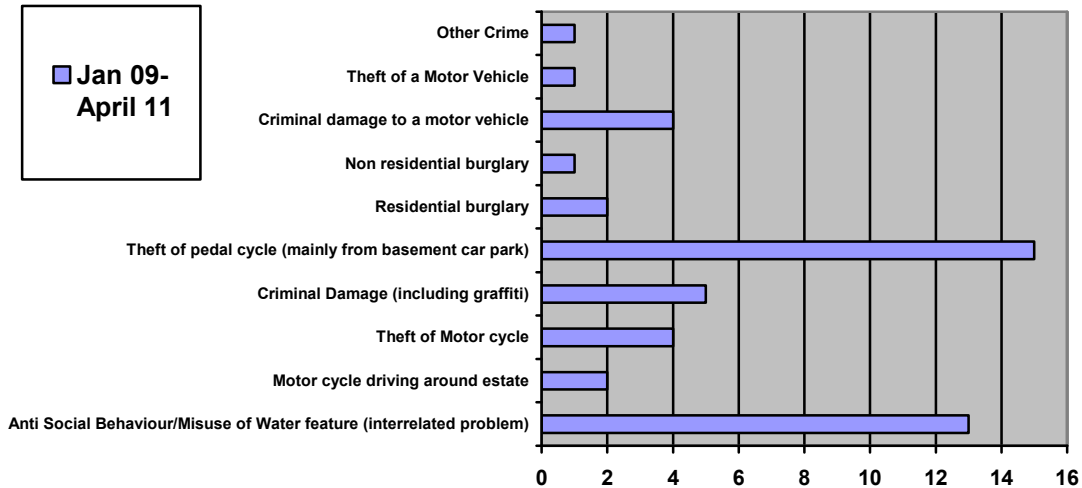
8.14 The Councils Crime Prevention Officer was also able to provide a breakdown of notifiable crime from the St David's Square estate from 2007 to April 2011. The information is provided below in Figure 2 with a breakdown of the types of crime identified.

Figure 2

Type of Crime	2007	2008	2009	2010	Up to April 2011
Theft of Vehicle	1	2	1	0	0
Criminal Damage	0	0	0	0	1
Theft from Vehicle	0	1	0	0	0
Criminal Damage to vehicles	0	0	0	2	1
Assault	4	3	3	6	1
Thefts	2	2	2	2	0
Residential Burglaries	2	0	4	0	0
Theft of Pedal Cycle	0	2	1	4	0
Non Residential Burglary/Theft of pedal cycle)	4	4	9	13	0
Other Crimes	3	1	3	2	0
Total	16	16	23	29	3

8.15 The St David's Square development concierge office also keep a log of all incidents experienced at the site. A copy of the log book from January 2009 to April 2011 was submitted to the Council and the details of this log book have been analysed and displayed in below at Figure 3. A copy of the log book submitted is attached at Appendix B.

Figure 3



8.16 From the log book provided by the applicants, it is possible to establish that 22 incidents were logged at St David's Square between January 2009 and December 2009, a total of 18 incidents were logged from January 2010 to December 2010 and 8 incident have been logged between January 2011 and 4 April 2011. Comparable figures are available from the Crime Prevention Officer of total notifiable crimes and these are not substantially different to the log book records, Figure 4 shows this information.

Figure 4	2009	2010
Metropolitan Police Information (Total Notifiable Offences)	23	29
St David's Square Log Book Details	22	18

8.17 It should be noted that some of the incidents/crimes which are within the St David's Square log book were also notified to the police and therefore the total crime experienced at St David's Square should not be taken as the sum of the information provided in Figure 4. The concierge office Sample Log book (Appendix D) does state in a number of instances that the residents contacted the police regarding certain incidents which occurred on the site.

8.18 The Councils Crime Prevention Officer provided further advice (attached at Appendix C) to Planning Officers with regard to the interpretation of the crime statistics gathered for the Millwall ward and the St David's Square site. This concludes that following an analysis of the levels of crime in St David's Square, overall, the levels of crime have decreased at the site (if analysing a financial year period), showing that there has been a fall of some 55% from financial years 2009-2010 compared with 2010-2011.

8.19 Despite the decrease, crime in the area was considered to be higher than expected for a site of this size when compared to the overall size of the Millwall ward. However, having taken this into account, the Crime Prevention Officer considered the crime to be localised and that levels of crime were not significant when compared to the borough as a whole.

- 8.20 An analysis of the charts showing Metropolitan Police crime statistics for the St David's Square site and the sample log book show that a majority of the crime centres around the theft of pedal cycles and the mis-use/anti social behaviour related to the water feature at the application site.
- 8.21 In response to the overall limited levels of crime at the St David's Square application site, the Crime Prevention Officer prepared a report (Appendix B) setting out what he considered to be two opportunities to address the concerns raised by the applicants at the site. The first and preferred option was the use of other 'Secure by Design' measures including improved signage and legibility, the use of planter boxes, provision of secure cycle storage on site, the installation of rising bollards. The second option, to be used only in exceptional circumstances was the use of gates as per the current application.
- 8.22 The applicants have considered all of the non-gating options suggested for the four locations around the application site, however have taken the decision not to accept the recommendations of the Crime Prevention Officer at any of the proposed locations. A summary of the non-gating options are set out below along with a summary of the applicants response (Full response provided at Appendix F):

Ferry Street Access

- 8.23 The Crime Prevention Officer suggested that this entrance could benefit from improved signage guiding people to the Thames Walk and the use of raised planters and a low level anti bike railing in the proposed location of the wall and gates.
- 8.24 The applicants have stated that this does not stop non-residents from entering the St David's Square estate. It was considered that this becomes a problem when non-residents then find they are unable to exit the estate and climb over the 'lookout' railings located abutting the Thames Walkway. A further concern was raised with regard to the need to have a sign with multiple languages on it to serve to serve the London tourism in the area.
- 8.25 It is considered that adequate signage, which is very poor at the moment, would substantially assist in guiding people along the designated Thames Path walkway and away from the St David's Square site. Officers do not support the applicants second point with regard to the various languages which would be required for any sign installed, as any sign installed would simply be required to say 'Thames Path' and provide an arrow in the correct direction.

Thames Walkway Access

- 8.26 The Crime Prevention Officer suggested that a motorcycle/moped restriction should be implemented across this access point, however the applicant has stated that this measure would not deter thefts, anti-social behaviour or members of the public entering the application site.
- 8.27 It is considered that sufficient restrictive barriers will deter members of the public from entering the site and if this was aided by additional signage directing residents east west along the Thames Path, this is again likely to deter entry into the site.

Westferry Road Access

- 8.28 The Crime Prevention Officer suggested rising bollards in the current location of the proposed railings and the provision of faster closing gates to prevent the theft of pedal cycles from the basement car park. During an on-site meeting it was also observed that the bike stands provided to residents were upright cycle stands which made the theft of pedal cycles easier as only one wheel could be secured. The applicants were advised to provide sufficient and secure cycle storage which would lessen the overriding the problem of pedal thefts at the site.

- 8.29 The applicants have advised that the St David's Square site cannot accommodate this provision of cycle storage at basement level or surface level as they are unable to release private car parking bays which have been purchased by individual owners, or any of the 23 visitor parking bays which the applicant has advised have a high occupancy rate and represent an integral part of the estate essential for the day to day running. The applicant also considers that there is insufficient space at ground level to provide cycle storage without leading to a loss in landscaping areas and amenity space.
- 8.30 The rising bollards were also considered to be inappropriate as they did not deter motorcycles, cyclists and pedestrians from entering the application site.
- 8.31 Given the size of the application site, it is considered unreasonable that the applicants have not sought to investigate further the provision of secure cycle storage, especially as it is a recurring crime at the application site. The applicant has identified that in order to accommodate the secure cycle parking, 24 car parking spaces would need to be lost or an equivalent area of 114sq.m of soft landscaping. Officers consider that there is a solution which can be found where some spaces are provided on car parking bays and some cycle parking is provided on existing areas of soft landscaping. This would therefore limit the overall impact on loss of car parking and landscaping at the site.

The Central Water Feature

- 8.32 The Water feature was identified as a concern by the applicants log book. During the on-site meeting it was suggested that boundary screening could be applied to the exterior wall in a glazing finish to prevent the misuse of the feature, whilst retaining it. It is understood that residents who own properties overlooking this feature object to its removal as they paid a premium to overlook the feature.
- 8.33 The applicants advised that the installation of a boundary treatment was not considered to be appropriate as it presented a further target to climb over/throw objects at. In addition, the maintenance staff currently have unrestricted access to the water feature which would be impeded by a boundary treatment.
- 8.34 Whilst Officers accept the applicants concerns raised on this issue, it is considered that there are other options (such as introducing an uneven surface to the top of the retaining wall) which could deter people from accessing the water feature which is understood to be the key concern to date, whilst not compromising its maintenance.
- 8.35 It is considered that only in exceptional circumstances should the development plan policies be departed from and the creation of a gated community be permitted. Such exceptional circumstances could be where there were particularly high levels of crime within an area and where all other measures have been exhausted to provide/implement security measures which are not overbearing or intimidating. The applicants state that they have implemented a number of measures to seek to reduce the incidents occurring at St David's Square, these are detailed at Appendix D. However, the applicants are not now willing to implement any of the measures proposed by the Crime Prevention Officers report.
- 8.36 Officers consider that the level of incidents of crime at the application site do not warrant the provision of gates and fixed means of enclosure, especially where other less invasive measures have been identified to improve the safety and security of the St David's Square development. The proposal is therefore contrary to policy 7.3 of the London Plan 2011, saved policy DEV1 of the Unitary Development Plan 1998, policies DEV3 and DEV4 of the Interim Planning Guidance 2007 and policy SP09 of the Core Strategy 2010.

Accessibility/Permeability

- 8.37 Currently the site is not gated and there is unrestricted access through the development providing a north-south link from the Thames Walkway to Westferry Road.
- 8.38 The existing Thames Path walkway runs along the southern boundary of the site and leads to the car park located in the south eastern corner of the St David's Square development. The Thames Path runs through the car park and follows the path east adjacent to the Grade II listed public house on East Ferry Road which provides access onto East Ferry Road itself.
- 8.39 Whilst this is the adopted Thames Path strategic walkway, the route is not one which is easy to navigate due to its limited legibility, this is highlighted within the Crime Prevention Officers report attached at Appendix B. The route leads pedestrians into a car park/pedestrian path which runs along the ground floor restaurant at the site, although this route and its legibility is not considered to be direct, convenient or a safe route (in the evenings). The provision of the alternative north-south route through the St David's Square development provides an alternative route linking Westferry Road and the Thames Path.
- 8.40 The map below shows all existing unrestricted pedestrian links from the Thames Path walkway to Westferry Road located around the application site. Travelling west along the Thames Path, the next available pedestrian route from the Thames Path leading north to Westferry Road is 296 metres to the west of the St David's square access, located at Pointers Close. If the existing St David's square access point were to be gated off as a restricted access point, the distance between the east ferry access point of the Thames path and the Pointers Close access would be increased to 358 metres.



- 8.41 At present, pedestrians choosing to access Westferry Road through the St Davids Square development from the existing St David Square access point only walk 160 metres through the unrestricted development to Westferry Road and to reach the bus stop located on the northern side of Westferry Road, located directly opposite the application site. Were this route to be gated as per the application proposals, pedestrians would be required to travel

210 metres to reach Westferry Road and 272 metres to reach the same bus stop mentioned above. This is considered to be an unnecessary increase in the distance travelled.

- 8.42 National guidance in PPS1 and PPG13 places great emphasis on the importance of encouraging walking through the provision of permeable pedestrian networks which would be lost through these proposals.
- 8.43 Policy DEV65 of the UDP 1998 states that existing walkways will be protected from development which would prevent free public access and or harm their character.
- 8.44 Policy DEV3 of the Interim Planning Guidance (IPG) 2007 states that developments resulting in the creation of 'gated' communities with no public through linkages, will not be supported to avoid segregation and ensure permeability of the public street and footpath network. This is further supported by Policy DEV16 of the IPG which seeks to maintain and enhance the strategic walkways within the borough.
- 8.45 Strategic policies within the Core Strategy 2010, policy SO20 seek to deliver a safe, attractive, accessible and well designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle. This is supported by policy SP09 of the Core Strategy 2010 which specifically states that developments that create gated communities which restrict pedestrian movement will be resisted.
- 8.46 The provision of gates would substantially reduce the permeability through the site which is contrary to policy DEV2 and DEV3 of the IPG 2007 and SP09 of the Core Strategy 2010 which seek to improve the connectivity with the surrounding area, particularly to public transport and commercial uses. The link between the Thames Walk and Westferry Road through St David's Square provides the general public with a direct route through to the bus stop located outside the St David's Square development, located outside the existing pedestrian gate.
- 8.47 The Councils Supplementary Planning Guidance 'Designing Out Crime' identifies that gated communities will result in decreased security as the development turns its back on the surrounding area and becomes enclosed.
- 8.48 Furthermore, the proposals fail to comply with London Plan policy 7.1 which states that developments should promote inclusion and cohesion, be accessible, usable and permeable for all users and be attractive to look at and Policy 7.2 also states that developments should be convenient and welcoming with no disabling barriers, so everyone can use them independently without undue effort, separation or special treatment.
- 8.49 There are some existing examples of 'gated' developments on the Isle of Dogs which are either historic developments, for example consents issued by the LDDC, or appeals which have been allowed following the refusal of planning permission. Whilst Officers are unable to comment on each and every case on the Isle of Dogs, it is important to note that many of these sites differ to the St David's Square development as many of the examples are enclosed parcels of land which provide no access to other public thoroughfares or routes through, whereas the north-south pedestrian route would be lost at St David's Square would lead to the loss of a direct connection to the designated strategic Thames Path Walkway.
- 8.50 Furthermore, each application must be assessed on a case by case and site specific basis and consequently, it is not considered that other examples of gates in the area should support a departure from the Councils policy to resist gated communities. In addition, it is important to note that there are numerous examples of non-gated communities in the Isle of Dogs and it is considered that a precedent of approving additional ones would be

divisive.

- 8.51 The applicant has made reference to an appeal from 2009 at Lockesfield Place, located adjacent to the application site. However, in the instance of the appeal site, the Planning Inspector considered that because the access into the Lockes Field development did not lead to or maintain and enhance the permeability of the site, its loss would not be disadvantageous to members of the public, given there was no through route.
- 8.52 The Crime Prevention Officer has looked at the scheme and has advised that he does not support the installation of gates as there are other methods to improve security and address issues raised by residents. Furthermore he has identified that gates should be a last resort and given the level of crime, the creation of a gated community at the site is not justified.
- 8.53 Overall, the proposal would restrict full public access resulting in an unacceptable form of development that would fail to achieve an inclusive and permeable environment, create an unacceptable level of segregation and lead to the loss of an existing north-south pedestrian route to the strategically designated Thames Path walkway. As such the proposal is contrary to DEV1, DEV48, DEV65 and DEV66 of the UDP 1998, SO20 and SP09 of the Core Strategy 2010, DEV2, DEV3 and DEV16 of the IPG 2007 and policies 7.1 and 7.2 of the London Plan 2011 which state that developments should promote high quality design, be accessible and permeable for all uses.

Design

- 8.54 The proposed vehicular gate along Westferry Road comprises of a part brick wall and part metal railing along the existing vehicular entrance. The existing vehicular entrance is in excess of 5 metres in width allowing access for two vehicles to pass. The existing entrance is flanked by two stock brick pillars which provide a feature for the vehicular entrance.
- 8.55 The gates have been set into the site and have a maximum height of 1.6metres and would run along the full width of the existing vehicular entrance. The proposed gates and retaining walls, by virtue of the proposed detailed design and use of materials are considered to be acceptable as they would be finished in a similar detailed design to the existing boundary walls which exist at the application site at present. However, it is considered that cumulative impact of the provision of gates at this height and due to their imposing nature, in an area which is otherwise open and unrestricted would appear visually dominant and further diminish the permeability of this site within its surrounding urban environment contrary to DEV1 of the UDP 1998 and DEV2 of the IPG 2007 and SP10 of the Core Strategy 2010.

Amenity

- 8.56 The proposed development is not considered to give rise to any daylight and sunlight or overlooking concerns, by virtue of the works proposed. The proposal is therefore considered acceptable in respect of the amenity of adjacent residential occupiers and future residential occupiers of the site which is in line with saved policy DEV2 of the adopted Unitary Development Plan (1998) policy SP10 of the Councils Core Strategy 2010 and DEV1 of the Interim Planning Guidance (2007). These policies seek to protect the residential amenity of existing and future occupiers

Transportation

- 8.57 The site has a Public Transport Accessibility Level (PTAL) of 2/3. The site is close to bus routes numbers D7, 135 and D3. The nearest bus stop is located directly outside the development, in front of the existing pedestrian access gate into the site. This provides

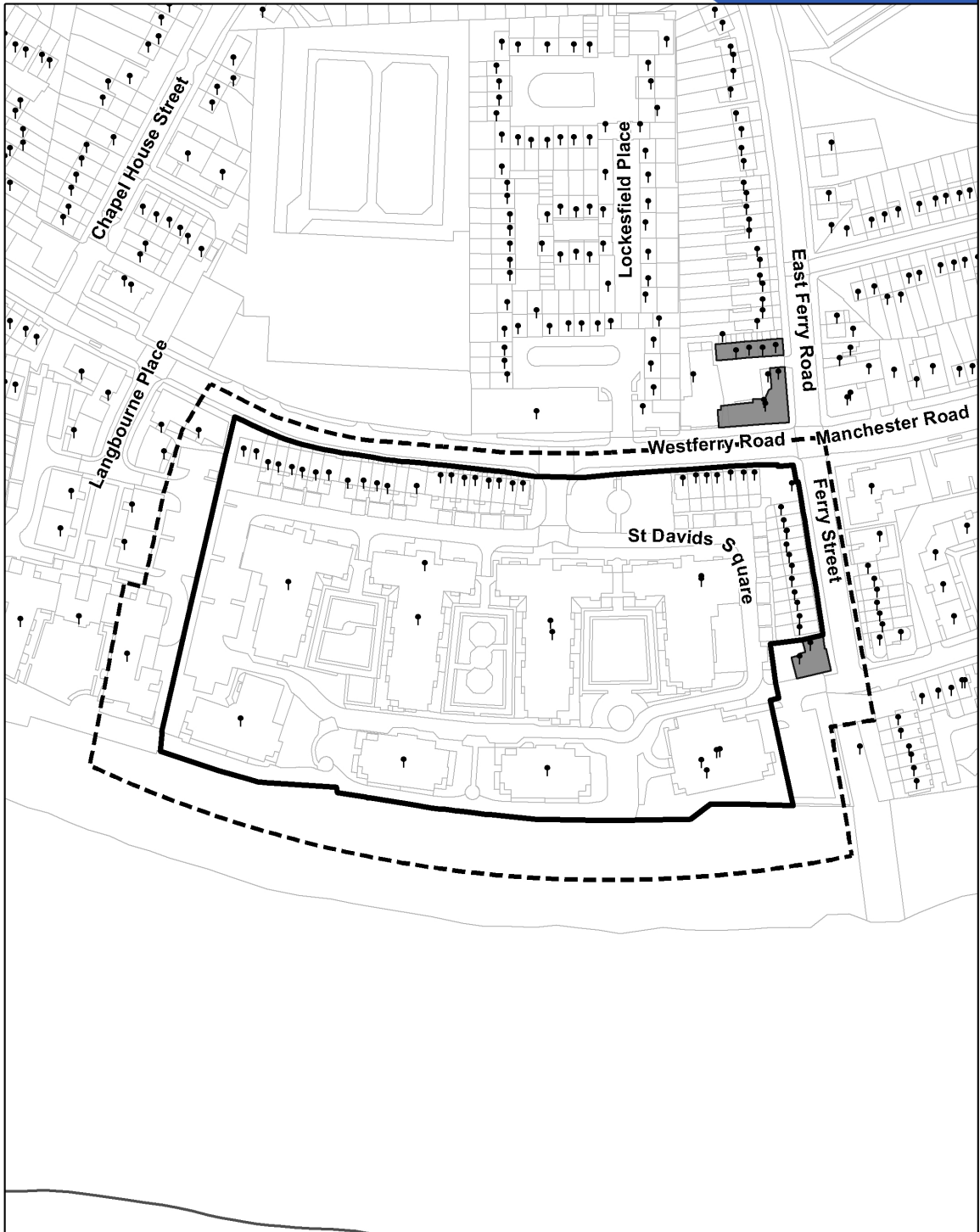
direct pedestrian access down through the site to the Thames Walkway. The closest stations to the site are located at Island Gardens and Mudchute.


- 8.58 The application is supported by a Transport Assessment prepared by Paul Mew Associates. This report details the impact of the proposed gates on Westferry Road and the results indicate that the provision of gates would not result in a build up of vehicles onto Westferry Road leading to an impact on the local road network. Whilst this is encouraging and in accordance with policies for the provision safe transport interventions, the principle of the works are not considered in accordance with strategic policies outlined in the recently adopted Core Strategy 2010, policy SO20 which seeks to deliver safe, attractive, accessible and well designed network of streets and spaces that make it easy for people to move around by foot and bicycle, furthermore the proposal is in direct conflict with policy SP09 which does not support gated communities.
- 8.59 Whilst not seeking to re-iterate the comments raised above, the highways team have also objected to the proposal as it would retain a single undesirable pedestrian route, that being the car park within the south eastern corner of the site. This current route is considered to be unsafe, illegible and inconvenient.
- 8.60 There are no existing rights of way across the application site, and whilst this is capable of being treated as a material planning consideration, the lack of existing rights of way should not, in this particular case, outweigh the general policy presumption against the formation of gated communities and the desire to maintain permeability and inclusive residential communities.

9.0 Conclusions

All other relevant policies and considerations have been taken into account. Planning permission should be refused 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.


Planning Application Site Map




 Planning Application Site Boundary

 Locally Listed Buildings

 Land Parcel Address

 Consultation Area

 Statutory Listed Buildings



1:2,000

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.

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