

Agenda Item 7.2

Committee: Development	Date: 6 th April 2011	Classification: Unrestricted	Agenda Item No: 7.2
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Mandip Dhillon		Ref No: PA/10/2786	
		Ward(s): Milwall	

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 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 4B.1 and 4C.11 of the London Plan 2008 (consolidated with alteration since 2004) which state that developments should promote high quality design, be accessible and permeable for all uses.
- The proposed gates and fixed means of enclosure by virtue of their appearance 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 contribute to the permeability of the urban environment. 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 4B.5 of the London Plan 2008 (consolidated with alterations since 2004) which state that developments should be convenient and welcoming with no disabling barriers so everyone can use them independently

4.10 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.

4.11 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.

4.12 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.

4.13 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.

4.15 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. Application withdrawn by applicant 26/10/2007.

4.16 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
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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 The local Safer Neighbourhood Police Team Sergeant, has advised that they have very few problems coming to attention on the site and that at a ward panel meeting there recently nothing specific was raised.

It is not considered that there is enough of a crime problem here to warrant blocking the whole estate to become a gated development. Having looked purely at vehicle crimes reported, 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 reported incidences it is considered 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.

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: 9 Against: 2 In Support: 7
Number of pro-forma responses: 132

Total in support : 138

Total in objection: 2

- 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;
- Anti-social behaviour in the area;
- Intrusions at the development leading to acts of threatening and anti-

- 8.9 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.
- 8.10 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.
- 8.11 The provision of gates would substantially reduce the permeability through the site which is again 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.
- 8.12 The Council's 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.
- 8.13 Furthermore, the proposals fail to comply with London Plan policy 4B.1 which states that developments should promote high quality inclusive design, be accessible, usable and permeable for all users and be attractive to look at and Policy 4B.5 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.
- 8.14 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.
- 8.15 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 necessitate a departure from the Council's 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.
- 8.16 The applicant has given reference to an appeal from 2009 at Lockesfield Place, located adjacent to the application site. However, in the instance of the appeal site, it was 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. Furthermore it is noted that nearly 18 months on from this decision, the gates allowed by the appeal decision have still not been installed at the site at Lockesfield Place.

alternative solutions rather than the provision of high barrier gates along the Westferry Road which would accord with Council policy, such as rising bollards preventing vehicle access for non-residents but allowing access for cyclists and pedestrians. These alternative measures are supported by the Crime Prevention Officer.

- 8.25 Furthermore, additional security measures could also be provided throughout the application site to deter any anti-social behaviour such as improvements to the buildings, lighting or CCTV, however the current proposals of four gates are considered to be an extreme solution and fail to accord with council policies to resist gated communities.

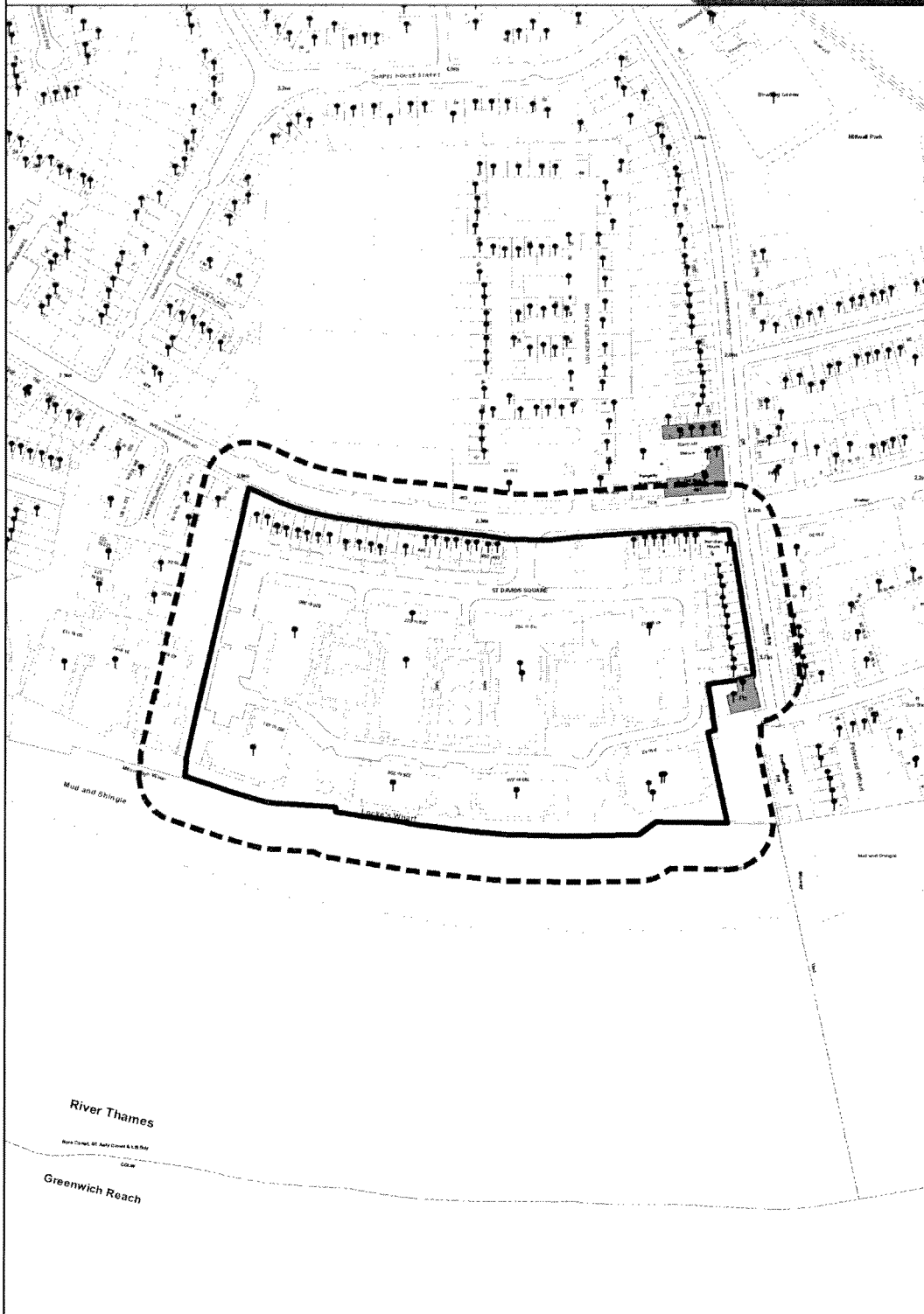
Transportation






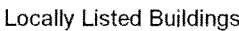
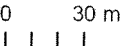
- 8.26 The site has a Public Transport Accessibility Level (PTAL) of 2/3. The site is close to bus routes numbers D7, 135 and D3. The nearest bus stop is located directly outside the development, in front of the existing pedestrian access gate into the site. This provides direct pedestrian access down through the site to the Thames Walkway. The closest stations to the site are located at Island Gardens and Mudchute.
- 8.27 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.
- 8.28 Whilst not seeking to re-iterate the comments raised above, the highways team have also objected to the proposal as it would lead to an undesirable pedestrian route, the car park within the south eastern corner of the site. This current route is considered to be unsafe, illegible and inconvenient.
- 8.29 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	 Statutory Listed Buildings	 Land Parcel Address	 1:2,500
 Consultation Area	 Locally Listed Buildings		

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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1.0 Additional Representations

Further Comments Received

- 1.1 Following publication of the original committee report, a number of further letters of representation have been received. A summary of the representations received and the comments made are set out below.
- 1.2 Three individuals who have previously submitted pro-forma responses have provided further individual responses in support of the proposals. One new individual response has been received.

In addition, 35 pro-forma responses from new residents have been received in support of the proposals.

Two further individual responses have been received against the proposals.

Letter of Support

- 1.3 The individual letters of support raised the following issues; which are addressed below:
- 1.4 Gating will reduce anti-social behaviour and prevent current problems of youths on mopeds and motorcycles. *(Officer Comment: The Local Safer Neighbourhood Police Team have advised that they have very few problems coming to their attention with regard to the St David's Square estate. It was also considered that there was not enough crime at the site to warrant blocking the whole site to become gated. These matters are set out in paragraphs 6.4, 8.3-8.18 and 8.24 of the main report.)*
- 1.5 Reference is made to the successful appeal at the adjoining site, Langbourne Place. For information, Planning permission was granted for the erection of gates around the perimeter of the site however a condition was imposed requiring the gates to be retained as open from dusk till dawn to retain permeability to the Thames Walkway. The condition was appealed against and the Inspector concluded that the condition was unreasonable and allowed the appeal in January 2006. *(Officer Comment: Whilst the Langbourne Place site adjoins the application site, the adopted Planning Policies for the London Borough of Tower Hamlets have moved on significantly since this appeal was allowed with the Interim Planning Guidance which was adopted in 2007 and Core Strategy adopted in 2010, in which policies set out the principle against gated communities. Further details are set out in paragraphs 8.3-8.22 of the main report.)*
- 1.6 Paragraph 8.6 of the committee report states 'The route [Thames Walkway] leads pedestrians into a car park which in itself is not a direct, convenient or safe route.' Representations submitted have stated that there is a path to the

right of the car park which can be used. *(Officer Comment: Whilst there may be a small pedestrian path running alongside the small restaurant at the application site, the predominant area most users of the Thames Path come across when following the Thames Path is the car park. This then leads into a vehicular access to exit onto East Ferry Road. Officers maintain that this is not a direct, convenient or safe route.)*

- 1.7 Further comments have been received with regard to the misuse of the water feature within the St David's Square development. *(Officer Comment: It is noted that the Local Safer Neighbourhood Police Team have advised that they have very few problems coming to their attention with regard to the St David's Square estate. These matters are set out in paragraphs 8.23-8.25.)*
- 1.8 It is stated in one of the letters of representation that most people access the River Walkway via the restaurant car park and not through the St David's Square site. *(Officer comment: Whilst this is noted, this is considered to bear minimum weight on the principle of creating a gated community at the site.)*
- 1.9 It is not considered that the provision of a gated community will hinder the public access along the River Thames [walkway]. *(Officer comment: the proposals would remove the north-south pedestrian route at St David's Square which would lead to the loss of a direct connection to the designated strategic Thames Path Walkway. This would hinder public access to the Thames Path as set out in detail in paragraphs 8.3-8.18 of the committee report.)*

Pro-forma Letters of Support

- 1.10 An additional 35 residents submitted pro-forma letters in support of the proposal. These letters raised the following points in support of the proposals;
- 1.11 At present there are intrusions at the site leading to acts of threatening and anti-social behaviour, theft, vandalism and dangerous behaviour at the developments water feature. *(Officer Comment: The Local Safer Neighbourhood Police Team have advised that they have very few problems coming to their attention with regard to the St David's Square estate. It was also considered that there was not enough crime at the site to warrant blocking the whole site to become gated. These matters are set out in paragraphs 6.4 and 8.3-8.18.)*

Letters of Objection

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

2 RECOMMENDATION

- 2.1 All these matters have been raised and considered within the scope of the committee report and did not overcome officers concerns in the gating of the development.
- 2.2 The Councils recommendation is unchanged.