

Committee: Strategic Development	Date: 15 th September 2011	Classification: Unrestricted	Agenda Item No: 6.1
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Devon Rollo		Ref No: PA/10/01458	
		Ward(s): Mile End and Globe Town	

1.0 APPLICATION DETAILS

Location:	Redundant Railway Viaduct North of Pooley House, Westfield Way, London
Existing Use:	Railway siding above viaduct Storage units under viaduct.
Proposal:	The erection of two separate four storey podium blocks of Student Apartments – the easterly block flanked by two eight storey towers rising from the podium level and the western block by an eight storey block and a ten storey tower at the western end terminating the view along the Campus Access Road to the south. 412 student rooms are proposed which include 344 en-suite single rooms, 32 self contained studios, 36 rooms designed for students with disabilities, 67 kitchen/diners and communal facilities on the site of a redundant railway viaduct running along the northern boundary of the Queen Mary College Campus in Mile End, London E1. The proposal also includes storage facilities for Queen Mary College at the western end of the site.
Drawing Nos:	MHJ/200 A; MHJ/201 C; MHJ/202 C; MHJ/210 C; MHJ/211 C; MHJ/212 D; MHJ/213 D; MHJ/213retro D; MHJ/214 D; MHJ/214retro D; MHJ/215 D; MHJ/216 C; MHJ/220 D; MHJ/221 D; MHJ/222 C; MHJ/223 C; MHJ/224 C; MHJ/225 C; MHJ/226 C; MHJ/227 C; MHJ/228 C; MHJ/229 C; MHJ/SK03; MHJ/SK04; MHJ/SK05; MHJ/SK21 A; MHJ/SK22 A; SL01 B; SL02 A; SL03 B; SL04 B; SL05 A; SL06 A; SL07 A; SL08; SL09; SL10 and SL11
Supporting Documents:	Design Statement, Supplementary Design Statement (3) March 2011; Impact Statement and Supplementary Impact Statement.
Applicant:	Network Rail
Owner:	Network Rail
Historic Building:	No
Conservation Area:	No

2.0 RECOMMENDATION

- 2.1 That the Committee notes the details of this report and officers' advice regarding the appropriate form of the suggested reasons for refusal when resolving to refuse this planning application.

3.0 BACKGROUND

- 3.1 This application for planning permission was reported by Strategic Development Committee on 24th August 2011 with an officer recommendation for approval. A copy of the case officers' report and update report containing the summary of material planning considerations, site and surroundings, policy framework, planning history and material planning considerations is attached at Appendices 1 & 2 to this item.
- 3.2 After consideration of the report and the update report, the committee resolved not to accept the officers' recommendation and was minded to refuse planning permission because of concerns over:
- Over concentration of student housing in the area. Need for a more balanced mix of housing in the area (i.e. family sized housing).
 - Impact on the area in terms of the potential for late night disturbance.
 - Impact on the ecology of area.
 - Overdevelopment of the site in terms of bulk and scale of the development.
 - Accuracy of the transport assessment
 - Adequacy of the emergency access/fire safety plans and disabled access.
- 3.3 In accordance with Rule 10.2 of the Constitution, and Rule 4.8 of the Development Procedure Rules, the application was deferred to a future meeting of the Committee to enable officers to present a supplemental report setting out reasons for refusal and the implications of the decision. The proposed reasons for refusal and implications are set out at Section 3.0 of this report.

4.0 CONSIDERATION OF REASONS

- 4.1 The Members have raised 6 matters of concern (listed in paragraph 2.2) on which they resolved that they were minded to refuse this application. The following are suggested reasons for refusal based on these concerns, followed by officer's comments.

Suggested reasons for refusal & officer comments

Reason 1

- 4.2 The scheme would result in an overconcentration of student housing within the area and fail to provide an appropriate mixed and balance of housing, including a failure to provide family housing. As such the scheme is contrary to policies 3.9 and 7.1 of the adopted London Plan 2011 and policies SP02 and SP12 of the Core Strategy Development Plan Document 2010, which seek to ensure places have a range and mix of dwelling types and tenures to promote balanced and socially mixed communities.

Officer's Comments

- 4.3 Due to the existing quantity of student housing within the vicinity, the introduction of a further 412 student rooms would increase the concentration of students. With the

exception of the replacement storage for QMU purposes, the development does not provide any other uses that would assist in the creation of a mixed and balanced community. The area is already heavily dominated by the university campus and related functions and the scheme fails to provide any standard C3 use class housing, either market or affordable. The single student nature of the student housing would also fail to make provision for families. Due to the existing level of student housing within the area and the non-family nature of the provision, it is considered that this is an appropriate reason for refusal.

Reason 2

- 4.4 The scheme would have a detrimental impact on the amenity of the residents of the surrounding area due to the increased potential of late night disturbance from the occupation of the student housing. As such the scheme is contrary to policies SP02 and SP10 of the Core Strategy Development Plan Document 2010, saved policies DEV2 of the adopted Unitary Development Plan 1998 and policies DEV1 of the Council's Interim Planning Guidance 2007, which seek to protect the amenity of occupants and the surrounding area.

Officer's Comments

- 4.5 It was recommended in the main officers' report presented to the Strategic Development Committee on the 24th of August 2011 that a condition of consent should be imposed to require a Building Management Statement setting out how potential issues of noise or anti social behaviour by students could be addressed. It was considered by officers that operation of the student housing in accordance with such a document could effectively control these issues. However, the application has not addressed this matter and if Members believe this is not an appropriate tool to control the impacts on amenity of the student housing development of this scale and design at this location then officers consider that this is an appropriate reason for refusal.

Reason 3

- 4.6 The proposal would represent an over-development of this restricted site, resulting in a built form of excessive scale, bulk and inappropriate design, leading to an overbearing form of development and an unacceptable loss of daylight, outlook and increased enclosure with inadequate opportunities for meaningful landscaping, contrary to policies 3.4, 7.1, 7.4 and 7.5 of the adopted London Plan 2011, policy SP10 of the Council's Core Strategy Development Plan Document 2010 and saved policies DEV1, DEV 2 and DEV 12 of the adopted Unitary Development Plan 1998, which seek to ensure that development is appropriate to its context and maintains the amenity of neighbouring residents and the surrounding environment.

Officer's Comments

- 4.7 The scheme should be considered in relation the context in which it is located. Consideration should be given to the height of existing development, separation distances, provision of public realm and how development impacts on the amenity of the surrounding occupiers and the occupiers of the building itself, when assessing whether the scheme is appropriate or not. When developments are too large in scale, too close to other buildings and fail to provide sufficiently supporting facilities it can be considered overdevelopment. Symptoms of this are reflected in impacts on amenity and borrowing of supporting facilities from neighbouring sites.
- 4.8 In relation to this scheme, the development has been identified as impacting adversely on the daylight and sunlight of the adjacent student housing development, which is considered to adversely impact the amenity of occupiers of that site. In addition, due to the scale of the development and the long linear site shape of the site, access and outlook is borrowed from the neighbouring Queen Mary University site. As such, it is considered that this reason is an appropriate reason for refusal.

Reason 4

- 4.9 The scheme would have a detrimental impact on the ecology of the area due to the redevelopment of the brownfield land adjacent to a Site of Importance for Nature Conservation and failure to provide adequately for the protection, replacement and enhancement of features of ecological value. As such the scheme is contrary to policy 7.19 of the adopted London Plan 2011, policy SP04 of the Core Strategy Development Plan Document 2010 and saved policy DEV57 of the adopted Unitary Development Plan 1998.

Officer's Comments

- 4.10 The application included an Ecology Report, which outlined the ecological values of the site. This report also provided recommendations based on the proposals of the development. As detailed in the main officers' report presented to the Strategic Development Committee on the 24th of August 2011 it was considered by officers that conditions of consent could be imposed to appropriately mitigate the impacts of the development on the ecology of the area. The quality of the ecology present on the site is not considered to be of significant value that it could not be appropriately mitigated by the recommended conditions of consent.
- 4.11 While the above reason has been derived on the basis of the Members' concerns, given the ability to mitigate the concerns of the ecological impact through the imposition of conditions of consent officers do not consider that this is an appropriate reason for refusal.

Reason 5

- 4.12 Due to the inaccuracy of the transport information provided it is not possible to confirm that trip generation from the scheme will not result in a significant detrimental impact on the highway and public transport systems. As such compliance cannot be confirmed with policy 6.3 of the adopted London Plan 2011, policy SP09 of the Core Strategy Development Plan Document 2010, saved policy T16 of the adopted Unitary Development Plan 1998 and policy DEV17 of the Council's Interim Planning Guidance 2007, which seek to ensure that development is appropriate to the transport network capacity.

Officer's Comments

- 4.13 Members indicated that they considered that the information presented in the Officers' Report on the subject of peak hour trip movements was inaccurate. This information was taken from the reports of the applicant's transport specialist, which was originally derived from data available on the TRICS database of surveys of existing developments. The information in the Officers' Report detailed only the morning and evening peak hour trip movements, not all movements throughout the day. Given that university classes are spread throughout the day, the requirement for travel during peak hours is unlikely to be as high as that associated with traditional C3 housing. To proceed with this as a reason for refusal would be to consider details presented by the transport specialist inaccurate, which there is no specialist evidence to demonstrate.
- 4.14 While the above reason has been derived on the basis of the Members' concerns, it is not recommend that this is included as a reason for refusal, as there is no evidence to confirm that the specialist information presented is inaccurate.

Reason 6

- 4.15 Due to the inaccuracy of the details relating to emergency access, fire safety plans and disabled access it is not possible to confirm that the scheme can provide appropriate access for emergency services and would minimise the potential physical risks from emergency situations. As such compliance cannot be confirmed with policy 7.13 of the adopted London Plan 2011, which seeks to ensure that development contributes to the minimisation of potential physical risk from fire, flood and related hazards.

Officer's Comments

- 4.16 Members indicated that they considered that the details of emergency access were unclear. Provision is made for an emergency vehicle to enter the site through a gate at the western end and travel along the hard landscaping area the length of the site. The building is also considered accessible to all users, with two lifts and stairs servicing each floor at each of the four main building cores. These matters are covered in the Design and Access Statements submitted in support of the application.
- 4.17 While the above reason has been derived on the basis of the Members' concerns, it is not recommend that this is included as a reason for refusal, as there is no evidence that the measures for emergency access are unacceptable.

Implications of the decision

- 4.18 Following the refusal of the application the following options are open to the Applicant. These would include (though not be limited to):
1. The applicant could appeal the decision and submit an award of costs application against the Council. Planning Inspectorate guidance on appeals sets out in paragraph B20 that:

"Planning authorities are not bound to accept the recommendations of their officers. However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the Council".
 2. There are two financial implications arising from appeals against the Council's decisions. Firstly, whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of "unreasonable behaviour". Secondly, the Inspector will be entitled to consider whether proposed planning obligations meet the tests set out in the Secretary of State's Circular 05/2005 and are necessary to enable the development to proceed.
 3. The Council would vigorously defend any appeal.

5.0 SUGGESTED REASONS FOR REFUSAL

- 5.1 If the Committee is still minded to refuse the application, subject to any **direction** by **The Mayor of London**, officers consider that the appropriate reasons for refusal should read:
- 5.2
1. The scheme would result in an overconcentration of student housing within the area and fail to provide an appropriate mixed and balance of housing, including a failure to provide family housing. As such the scheme is contrary to policies 3.9 and 7.1 of the adopted London Plan 2011 and policies SP02 and SP12 of the Core Strategy Development Plan Document 2010, which seek to ensure places have a range and mix of dwelling types and tenures to promote balanced and socially mixed communities.
 2. The scheme would have a detrimental impact on the amenity of the residents of the surrounding area due to the increased potential of late night disturbance from the occupation of the student housing. As such the scheme is contrary to policies SP02 and SP10 of the Core Strategy Development Plan Document 2010, saved policies DEV2 of the adopted Unitary Development Plan 1998 and policies DEV1 of the Council's Interim Planning Guidance 2007, which seek to protect the amenity of occupants and the surrounding area.

3. The proposal would represent an over-development of this restricted site, resulting in a built form of excessive scale, bulk and inappropriate design, leading to an overbearing form of development and an unacceptable loss of daylight, outlook and increased enclosure with inadequate opportunities for meaningful landscaping, contrary to policies 3.4, 7.1, 7.4 and 7.5 of the adopted London Plan 2011, policy SP10 of the Council's Core Strategy Development Plan Document 2010 and saved policies DEV1, DEV 2 and DEV 12 of the adopted Unitary Development Plan 1998, which seek to ensure that development is appropriate to its context and maintains the amenity of neighbouring residents and the surrounding environment.

6.0 CONCLUSION

- 6.1 All relevant policies and considerations have been taken into account. It is recommended that Members consider the draft reasons for refusal and officers comments alongside the previous report and addendum report presented to the Strategic Development Committee on 24th August 2011 (see Appendix one and two) and determine the planning application as they see fit.

7.0 APPENDICES

- 7.1 Appendix One - Committee Report to Members on 24th August 2011
- 7.2 Appendix Two – Addendum Report to Members on 24th August 2011