

<b>Committee:</b> Development	<b>Date:</b> 6 <sup>th</sup> April 2011	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Mandip Dhillon		<b>Ref No:</b> PA/10/2786	
		<b>Ward(s):</b> 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 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 which would provide a gated development.

4.2 The proposal comprises:

- 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 gates 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.

4.3 At present the development provides public access through the site from the Riverside Walkway to Westferry Road.

#### **Site and Surroundings**

4.4 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.

4.5 The St Davids 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.

4.6 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 leads into the car park of the restaurant located within the development. The other main entrance into the site is along the Thames Walkway. This access provides a pedestrian route through the development to Westferry Road.

4.7 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.

4.8 The site falls within the Strategic Riverside Walkway which runs along the south of the site and along part of the eastern boundary.

#### **Planning History**

4.9 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.

4.10 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 15<sup>th</sup> 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

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) 2004**

Polices

4B.1	Design principles for a compact city
4B.5	Creating an inclusive environment
4C.11	Increasing access alongside and to the Blue Ribbon Network

### **5.7 Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPS5	Planning and the Historic Environment
PPG13	Transport

### **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 Davids Square which provides a link to the Thames Path Walkway.

## **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 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-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.

#### 7.5 Comments in Support (Pro-forma Responses)

- Intrusions at the development leading to acts of threatening and anti-social behaviour, theft, vandalism and dangerous behaviour at the developments water feature.

Officer comment: All of the above comments received are addressed in the main body of the committee report '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. Accessibility/Permeability
2. Design
3. Amenity
4. Transportation

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

### **Accessibility/Permeability**

8.3 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.

8.4 The application proposes a number of gates and walls to the site. This would be restricted access at all times to non-residents of the St-David's Square and effectively create a 'gated community'.

8.5 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.

8.6 Whilst this is the adopted Thames Path strategic walkway, the route is not one which is easy to navigate due to its limited legibility. The route leads pedestrians into a car park which in itself is not a direct, convenient or safe route. The provision of the alternative north-south route through the St David's Square development provides a much more direct, convenient and safe route linking Westferry Road and the Thames Path.

8.7 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.

8.8 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.

- 8.9 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 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.
- 8.13 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 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.
- 8.16 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.

- 8.17 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 raised by residents. Furthermore he has identified that gates should be a last resort and given the level of crime, the provision of a gated community at the site is not warranted.
- 8.18 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 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.

### **Design**

- 8.19 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.
- 8.20 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. It is considered that cumulative impact of the provision of gates at this height 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.
- 8.21 Whilst the design of the existing pedestrian gate fronting onto Westferry Road would not be altered, the proposed gate would lead to the creation of a distinctive place which prevents the permeability of the urban environment of the site and surrounding area which is contrary to policy DEV2 of the IPG 2007. The provision of permanently locked gates in this location would diminish the permeability of the site within its surrounding urban environment.
- 8.22 The proposed gates/means of enclosure along the southern and eastern boundary are part brick and part metal gates and would be located in areas which currently have unrestricted access with an open streetscape. It is considered that the cumulative impact of the provision of gates at this height in these locations, where there have not previously been any means of enclosure, would appear visually dominant and further diminish the permeability of this site within its surrounding urban environment resulting in a gated community contrary to DEV1 of the UDP 1998 and DEV2 of the IPG 2007 and SP10 of the Core Strategy 2010.

### **Amenity**

- 8.23 Many residents have stated that there are current concerns at St David's Square with non-residents parking in St David's Square as well as anti-social behaviour. The Crime Prevention Officer has confirmed that no specific concerns have been raised in his recent discussions with the Local Safer Neighbourhood team.
- 8.24 Whilst Officers acknowledge the problems faced by residents with regard to non-residents



parking within the St David's Square development, it is important to highlight that there are 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.

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