

DEVELOPMENT COMMITTEE

13TH July 2010 at 7.00 pm

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

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Agenda item no	Reference no	Location	Proposal
7.1	PA/10/00849	Site at Car Park adjacent to 31 Arrow Road, London E3	Erection of six three storey, five bedroom dwelling houses.
7.3	PA/09/1656	16-24 & 48-50 Bow Common Lane and site at land south of 12 Furze Street	Development of 129 units comprising (65 x 1 bed; 44 x 2 bed; 16 x 3 bed & 4x 4 bed) and 139 sqm metres of commercial floorspace use Class B1 (office space), a pedestrian and cycle pathway, 142 bicycle parking spaces and landscaping works.
7.4	PA/10/925 and 926	Fulneck, 150 Mile End Road, London	Demolition of existing block and erection of part four, part six storey building to provide 412sqm commercial floorspace comprising retail (Use Class A1), financial and professional services (Use Class A2), restaurant/cafe (Use Class A3), business (Use Class B1) and /or non-residential institution (Use Class D1) to the ground floor, together with 78 residential units, car/bicycle parking, refuse/recycling facilities and access, landscaping and amenity proposals.

Agenda Item number:	7.1
Reference number:	PA/10/00849
Location:	Site at Car Park adjacent to 31 Arrow Road, London E3
Proposal:	Erection of six three storey, five bedroom dwelling houses.

1 SUMMARY

Further Objection

- 1.1 Following publication of the original committee report, a further objection letter has been received via email on behalf of the residents of Gateway Housing Association with the Poplar Bow Ward.
- 1.2 In summary, the objector has raised issues relating to parking and design. Specifically, the issues are as follows:
- Impact of vehicle parking in Arrow Road and the lack of consideration for residents of Gateway Housing Association; (Officer's comment: Parking permits are not road specific; the planning department is unable to control parking and this is a Highways matter. Furthermore, the loss of car parking is discussed in paragraphs 8.3 – 8.8 in the main report)
 - Tower Hamlets council does not seem interested in ensuring all Poplar Harca's residents take up a parking permit and leaving car parking facilities 90% empty; (Officer's comment: The nature of this objection is to do with management of car parking and this is an issue between the applicant and local residents)
 - Residents of Poplar Harca using car parks assigned for residents of Gateway Housing Association; (Officer's comment: This point is very much like the one above and is not considered to be a planning matter; it is more a management issue between the housing associations and residents)
 - Properties being built are not in character with the properties of Arrow Road; (Officer's comment: this is discussed in the Design section of the main report under paragraphs 8.15 – 8..24 in the main report)
 - No objection raised to the properties being built on the other side of the car park in Bromley By Bow Road and believe they are more in character of that side of the road; (Officer's comment: this relates to another site and is not part of the application site) and
 - Why allow Poplar Harca to keep re-applying under the same application and making residents repeat their objections/petition. (Officer's comment: there are no restrictions for an applicant/developer to submit applications for considerations and the council has an obligation to assess all application proposals that are submitted)
- 1.3 Despite these further objections, Officers still consider that the analysis of the application, contained within the original report, remains relevant and sound. There are no objections that have changed Officers opinions on this application. As such, they do not consider a change in recommendation is required.
- 1.4 Paragraph 8.28 – Affordable Housing

1.5 Paragraph 8.28 reads as follows: The Applicant, Poplar Harca is a Registered Social Landlord. The Applicant has stated that all six dwellings would be used to provide affordable housing in the social rent tenure.

1.6 This should read now read: The Applicant, Poplar Harca is a Registered Social Landlord. The Applicant has stated that all six dwellings would be used to provide affordable housing in the social rent tenure, subject to receiving funding from the Homes and Communities Agency (HCA). If such funding is unavailable, the applicant proposes a provision of 33% affordable housing which equates to two of the 6 units.

1.7 Given that this development is not required to provide any affordable housing, the level of provision is above requirement and a refusal of permission cannot be justified.

1.8 Paragraph 8.10 - Typological error

1.9 There is a typographical error in paragraph 8.10 which should read:

“The proposal would involve the loss of approximately 106 square metres of existing communal amenity space”. Instead of

“The proposal would involve the loss of approximately 9.5 square metres of existing communal amenity space”.

1.10 Paragraph 8.49 - Typological error

1.11 1.11 There is a typographical error in paragraph 8.49 which should read:

“These properties are located to the **east** of the proposed development”.

Instead of: “These properties are located to the west of the proposed development”.

2 RECOMMENDATION

2.1 The Councils recommendation remains unchanged.

LONDON BOROUGH OF TOWER HAMLETS

Agenda Item number:	7.3
Reference number:	PA/09/1656
Location:	16-24 & 48-50 Bow Common Lane and site at land south of 12 Furze Street
Proposal:	Development of 129 units comprising (65 x 1 bed; 44 x 2 bed; 16 x 3 bed & 4x 4 bed) and 139 sqm metres of commercial floorspace use Class B1 (office space), a pedestrian and cycle pathway, 142 bicycle parking spaces and landscaping works.

1.0 Clarifications

- 1.1 Paragraph 3.3.1 should read "Permission valid for 3 years".
- 1.2 The first sentence in paragraph 4.2 should read as follows: " The proposal comprises of a series of blocks referred to as block A, B (B1 & B2) & D".
- 1.3 The last sentence in Paragraph 4.2 should read: "A pedestrian walkway is proposed on site which connects Bow Common Lane to Furze Street"
- 1.4 Paragraph 4.14 should read as follows: "On the 31/08/2006, planning application was withdrawn for the demolition of existing buildings and the development of 215 residential units including one, two and three bedroom apartments and three and four bedroom town houses in blocks ranging in height between 3 and 6 storeys and the creation of 860 sq.m of ground floor business/commercial space (Ref no: PA/06/1097)"
- 1.4 Paragraph 6.20 states that the Councils Communities Localities & Culture (CLC) Strategy team have not provided a suitable justification for any of the above contributions relating to this site". This statement is incorrect. CLC did provide a substantial justification for the financial contributions they sought to secure. The justification for the contributions towards open space, leisure and library facilities was carefully considered against the evidence base for the Core Strategy. However, in this instance, it is considered that the viability of the scheme could be compromised by securing the full financial contributions which were sought to be secured. In balancing up the financial contributions for the S106, it is considered that securing contributions for the affordable housing, health and education contribution were also of high priority.
- 1.5 The first sentence under officers comment at paragraph 7.4 should read " The proposed angle of the majority of windows at block A are perpendicular to windows at flat 49 Park View Court, 215 Devon's Road".
- 1.6 The second sentence in paragraph 8.11 should read " Table 3A.2 of the Consolidation London Plan (2008) suggests a density of 200 to 450 habitable rooms per hectare for sites with a PTAL range of 2 to 3".

2.0 Additional comments made by LBTH Strategy- Innovation & technology team

- 2.1 The applicant is now committed to achieve a C02 reduction of 44% on 2006 Building Regulations through energy efficiency, a decentralised energy system and renewable energy technologies which is supported by officers. The applicant will be required to achieve a minimum of Code Level 4 and will be secured by way of condition. This is to ensure the highest levels of sustainable design and construction.

3.0 Additional representations received.

3.1 Since the publication of the committee report, 2 additional objections were received. The following issues were raised in representations that are material to the determination of the application:

- The proposal would result in a loss of privacy to the garden and daylight into the kitchen at no. 14 Bow Common Lane.

(Officers comment: The subject windows to habitable rooms at Block D are located approximately 10 metres from the boundary of 14 Bow Common Lane. The terrace area to block D is located approximately 8 metres from the boundary of 14 Bow Common Lane.

Although a degree of overlooking to the rear garden area at 14 Bow Common Lane could be possible due to the distance between the properties, no direct overlooking will occur to habitable windows at 14 Bow Common Lane. The site plan indicates that trees will be planted between block D and 14 Bow Common Lane. This should assist to alleviate concerns relating to overlooking. The applicant will be required to submit landscaping details for the site. This will be secured by way of condition.

Given the urban context of the site, it is considered that a reason for refusal based on overlooking could not be sustained.

The applicant has considered the impact the proposal has on the daylight to the kitchen at 14 Bow Common Lane. The daylight levels comply with the BRE guidelines. It was not necessary to test the windows for direct sunlight as they do not face 90 degrees of due south).

- The proposal has not considered its impact has on 12 Bow Common Lane. The proposal will result in a loss of light to the property and will be “boxed in, surrounded by ongoing construction”.

(Officers comment: The impact the proposal has on this property has been considered in the assessment of the planning application. With reference to daylight, the applicant has undertaken an assessment of this property and confirms that the property complies with BRE guidelines. With reference to sunlight, it is not necessary to test windows for direct sunlight as they do not face 90 degrees of due south.

Whilst it is acknowledged that 12 Bow Common Lane is located beside the development at 2-10 Bow Common Lane and close to 16-24 & 48-50 Bow Common Lane and site at land south of 12 Furze Street, it is not considered that the proposed development or the cumulative impact of surrounding developments would result in an undue or unreasonable sense of enclosure).

4.0 RECOMMENDATION

4.1 The recommendation remains unchanged.

Agenda Item number:	7.4
Reference number:	PA/10/925 and PA/10/926
Location:	Fulneck, 150 Mile End Road, London
Proposal:	Demolition of existing block and erection of part four, part six storey building to provide 412sqm commercial floorspace comprising retail (Use Class A1), financial and professional services (Use Class A2), restaurant/cafe (Use Class A3), business (Use Class B1) and /or non-residential institution (Use Class D1) to the ground floor, together with 78 residential units, car/bicycle parking, refuse/recycling facilities and access, landscaping and amenity proposals.

1.0 Additional Information

- 1.1 It has come to the Local Planning Authorities attention that the 22 basement car parking garages at Fulneck are in use. Some of these spaces are occupied by existing residents and residents who were recently decanted from the Fulneck site.
- 1.2 Paragraph 4.5 of the planning committee report states that the basement car park appeared to be permanently locked and empty at the time of the site visit. However it has been confirmed that due to the arrangement of the garages, that whilst the forecourt of the basement garage is empty, each individual garage is locked internally.
- 1.3 It is understood that some of the garages are currently used for the parking of vehicles, as they were originally permitted, however, some of the garages are used for storage purposes, as 'lock ups'. There has not been any application submitted to change the use of these garages to storage/lock up facilities. Therefore, this is an unlawful operation.
- 1.4 The proposed development, following the loss of these garages and storage/lock up facilities, will provide 40 on-site car parking spaces. This level of car parking corresponds to a 51% provision and accords with Council planning policy. This is considered to be acceptable.
- 1.5 On balance, it is not considered that the loss of storage/parking facilities at the application outweighs the benefits of the proposal site including the provision of 75% affordable housing (habitable rooms), improved amenity space both on site and to the south of the application site at land to the west of Ockbrook and redevelopment of the application site as a whole.

2.0 Additional Representations Received

- 2.1 Additional representations have been received relating to the short term financial pressures associated with the application site. This objection related to the possible increase in council tax and commercial rates as a result of the increased density of development at the site.
- 2.2 There is no evidence to suggest that the increased density at the application site will result in increased council tax and commercial rates. As such these objections are not considered to be material to the determination of the application.
- 2.3 It is also necessary to highlight that the proposed density of the application site was

considered in paragraph 8.43 of the planning committee report and the proposal accords with Council and London Plan policies.

3 **RECOMMENDATION**

3.1 The Councils recommendation is unchanged.