

<b>Committee:</b> Development	<b>Date:</b> 14 <sup>th</sup> November 2012	<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> Richard Humphreys		<b>Ref No:</b> PA/12/01817	
		<b>Ward:</b> Whitechapel	

## 1. APPLICATION DETAILS

<b>Location:</b>	Site at South East Junction of Whitechapel Road and New Road, Whitechapel Road (Royal London Hospital)
<b>Existing Use:</b>	Temporary car park.
<b>Proposal:</b>	Variation of condition 1 of planning permission granted on 26th January 2010, reference PA/09/2608 to enable the retention of a temporary car park for a further limited period.
<b>Drawing Nos:</b>	RLH-L52-TPExt-002-DWG-001 OS Extract AE/LN/00/00/07 (Approved by PA/04/00363)
<b>Supporting Documents:</b>	Planning Impact Statement
<b>Applicant:</b>	Skanska / BARTS Health NHS Trust
<b>Owner:</b>	The London NHS Trust
<b>Historic Building:</b>	Grade 2 listed buildings adjoining on Mount Terrace
<b>Conservation Area:</b>	London Hospital

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the planning policies contained in the Tower Hamlets Core Strategy 2010, the Tower Hamlets Unitary Development Plan 1998, the Council's Interim Planning Guidance October 2007, the Tower Hamlets Managing Development: Development Plan Document (Submission Version May 2012), the London Plan 2011 and the National Planning Policy Framework 2012 and has found that:

1. Due to the special circumstances that apply to the redevelopment of the Royal London Hospital and the need for temporary parking facilities, the loss of landscaped amenity space is justified for a further limited period until 31<sup>st</sup> December 2015 or the completion of the hospital's new multi-storey car park whichever is the sooner.
2. The temporary car park has no significant effect on the flow of traffic on the public highway and measures are in place to ensure traffic and conditions on Mount Terrace are satisfactory.
3. The car park does not cause material harm to the amenity of adjoining residents.

4. Neither the character nor the appearance London Hospital Conservation Area would be enhanced by the continued presence of the car park but given the existence of the car park the effect on the designated area would be neutral for a limited period.

### **3. RECOMMENDATIONS**

- 3.1 That the Committee resolves to **GRANT** planning permission subject to following conditions and informatives:

#### **Conditions**

- 3.2
  1. The limited period for the continued use of the car park shall be until 31<sup>st</sup> December 2015, or the completion of the new multi-storey car park whichever is the sooner.
  2. The maintenance of a temporary traffic barrier across Mount Terrace for the use of residents and the utility and emergency services and to prevent other vehicles from using Mount Terrace other than at the entrance to the car park.
  3. The maintenance of a traffic barrier across the entrance to the car park to be operated in accordance with the BARTS Health NHS Trust parking permit process.
  4. The landscaping scheme approved by the council on 13<sup>th</sup> June 2008 Ref. PA/08/771 shall be undertaken on the cessation of the use.
  5. CCTV camera surveillance of the car park and lighting bollards to be maintained for the duration of the use.

#### **Informatives**

- 3.3
  1. All building work and structures remaining from the former temporary restaurant previously erected at the site should be removed from the site in compliance with condition 4 of the council's planning permission Ref. PA/09/2608 dated 26<sup>th</sup> January 2010.
  2. You are advised that on the expiration of this planning permission the local planning authority is unlikely to grant a further limited permission for the use of the land as a car park.

### **4. BACKGROUND**

- 4.1. On 31 March 2005, planning permission Ref. PA/04/0611 was granted for the redevelopment and refurbishment of the Royal London Hospital. The approved development included a new multi storey car park with up to 322 parking spaces which has not yet been constructed.
- 4.2. Also on 31 March 2005, limited period planning permission Ref. PA/04/00363 was granted for the:

*“Erection of a temporary restaurant (with 200 covers, ancillary kitchens and preparation areas) with car park and service access....”*

- 4.3. Condition 2 of permission PA/04/00363 limited the restaurant and car park as follows:

*"The building(s) and use hereby permitted shall be retained for a limited period only until 1st November 2010 on or before which date the building(s) shall be removed and the use shall be discontinued.*

*Reason: Permission is granted for a limited period only because of the special circumstances of the case noted above. The form and appearance of the building(s) and the proposed use are out of character with the surrounding area and are unacceptable other than for a temporary period."*

- 4.4. Condition 14 of planning permission PA/04/00363 stipulated:

*"On cessation of the temporary restaurant use hereby permitted, the buildings and structures shall be removed and the site reinstated in accordance with the scheme for reinstatement agreed with the local planning authority. Proposals for the reinstatement of the site at the expiry of this temporary permission shall be submitted to and agreed with the local planning authority within six months of the commencement of the development, and the site reinstated in accordance with the agreed scheme by the end of the first planting season following the cessation of the use. Any plants, shrubs or trees that subsequently die or become diseased shall be replaced.*

*Reason: To ensure a satisfactory standard of reinstatement in the interests of the appearance and amenity of the area."*

- 4.5. An agreement under section 106 of the Planning Act was executed with the council requiring the installation of a temporary traffic barrier across Mount Terrace for the use of residents and the utility and emergency services to prevent other vehicles from using Mount Terrace other than at the entrance to the car park.

- 4.6. On 13<sup>th</sup> June 2008 Ref. PA/08/771, the council approved details of the re-instatement of the front lawn of the Royal London Hospital upon cessation of use of temporary staff restaurant and car park pursuant to condition 14 of the planning permission dated 31st March 2005 Ref. PA/04/00363.

- 4.7. On 26<sup>th</sup> January 2010, planning permission PA/09/2608 was granted for a variation of condition 2 of the planning permission dated 31st March 2005 to permit the temporary restaurant (with car park) to remain until 1st November 2012. Condition 1 of the permission limited the development as follows:

*"The building(s) and use hereby permitted shall be retained for a limited period only until 1st November 2012 on or before which date the building(s) shall be removed and the use shall be discontinued.*

*Reason: Permission is granted for a limited period only because of the special circumstances of the case noted above. The form and appearance of the building(s) and the proposed use are out of character with the surrounding*

*area and are unacceptable other than for a temporary period."*

## **5. PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 5.1 Application is now made to vary condition 1 of the council's planning permission granted on 26th January 2010, reference PA/09/2608 to enable the retention of a temporary staff car park at the Royal London Hospital for a further limited period until 31<sup>st</sup> December 2015.

### **Site and surroundings**

- 5.2 The application site lies immediately east of junction of Whitechapel Road with New Road. It comprises part of the Royal London Hospital within the London Hospital Conservation Area. The site is roughly oblong in shape with an area of 1,576 sq. m. The site was landscaped following the demolition of a terrace of mixed use properties that formerly occupied the site but has been used since 2005 to accommodate a temporary restaurant and a staff car park. The restaurant provided 200 covers, plus ancillary kitchens on an elevated 1st floor with a 36 space car park beneath at ground level, including 1 space for disabled parking. Both facilities were purely for NHS staff. Following the opening of a restaurant in the new hospital building, the temporary restaurant use has ceased and the building removed.
- 5.3 Vehicular access to the temporary car park is from New Road via the western end of Mount Terrace. Both Mount Terrace and the car park entrance are gated at this location. Mount Terrace is a private road within the demise of the Royal London Hospital. Whitechapel Road is a strategic road part of the Transport for London road network. New Road is a borough road. The car park is provided with CCTV surveillance and lighting.

## **6. POLICY FRAMEWORK**

- 6.1 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:
- 6.2 National Planning Policy Framework 2012
- Section 4 – Promoting sustainable transport  
Section 12 - Conserving and enhancing the historic environment
- 6.3 The London Plan 2011
- 6.13 - Parking  
7.4 - Local Character  
7.8 - Heritage Assets and Archaeology
- 6.4 Tower Hamlets Core Strategy 2025 Development Plan Document (September 2010)
- SP09 - Creating attractive and safe streets and spaces  
SP10 - Creating Distinct and Durable Places
- 6.5 Unitary Development Plan 1998 (as saved September 2007)

DEV2 –Amenity  
OS7 – Loss of open space

6.6 Managing Development Development Plan Document Submission Version May 2012

DM10 - Delivering open space  
DM20 – Supporting a sustainable transport network  
DM25 -Amenity

6.7 Tower Hamlets Interim planning guidance October 2007

DEV1 – Amenity  
DEV19 – Parking for motor vehicles  
CON1 – Listed buildings  
CON2 - Conservation areas

**7. CONSULTATION**

Transport for London

7.1 No objection to the extended use of the temporary car park up to December 2015; but it must be closed as soon as the new car park becomes operational.

LBTH Transportation and Highways

7.2 As the application is for an extension of the existing car park use, there is unlikely to be an appreciable increase in vehicle trips on the highway network. Concur with TfL that the use should cease once the permanent car park become operational.

Aware that the vehicle control gate on Mount Terrace has not been operational resulting in informal vehicle waiting in the carriageway impeding traffic in Mount Terrace with the potential for queuing toward the junction with New Road. Recommends the applicant confirm that the gate will be operated and maintained according to the intentions of the original s106 agreement.

(Officer comment: In August / September 2012, Skanska, on behalf of the BARTS Health NHS Trust, replaced the traffic barrier at the North Road end of MountTerrace and keys were supplied to residents. The lock on the barrier is Fire Brigade compliant to allow access in the event of an emergency. It is recommended that any planning permission is conditioned to require the maintenance of the barrier).

**8. LOCAL REPRESENTATION**

8.1 29 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The number of representations received from neighbours and local groups in response to notification was as follows:

No of individual responses:	2	Objecting: 2	Supporting: 0
No of petitions received:	1	objecting containing 36 signatures	

8.2. The representations concern the continued loss of green space, the removal of a netting / foliage screen that previously screened the restaurant and car park from the houses on Mount Terrace, and the failure to maintain the temporary traffic barrier across Mount Terrace.

8.3 The petition is on two grounds:

*"1. There is very little green space in the area and we would like the temporary car park to be returned to its original state (an enclosed area of grass and trees not accessible to the public).*

*2. Skanska has failed to comply with conditions of the original planning decision and section 106 agreement relating to this site."*

## **9. MATERIAL PLANNING CONSIDERATIONS**

9.1 The main planning issues raised by the application that the Committee must consider are the continued interim loss of landscaped amenity area within the London Hospital Conservation Area, assessed against the Royal London Hospital's need for temporary car parking pending the construction of a new multi-storey car park, the impact on traffic conditions on the highway and the effect on the amenity of residents of Mount Terrace.

### **Loss of landscaped amenity area and the Royal London Hospital's need for temporary car parking**

9.2 The permission for the temporary car park expired on 1<sup>st</sup> November 2012. The applicant says the NHS Trust require the continued use of the car park for NHS staff beyond this point, until the consented (PA/04/00611) multi-storey car park is operational in December 2015. The temporary car parking is required in lieu of parking facilities displaced from elsewhere within the hospital precinct as a result of the redevelopment of the hospital.

9.3 The applicant adds that there is no other location on the hospital estate to re-provide the car parking spaces, and its loss would create significant operational issues for the NHS Trust. At the end of the proposed extended temporary use period, the site will be landscaped in accordance with the approved landscaping scheme for the area (PA/08/771).

9.4 Tower Hamlets UDP policy OS7 resists the loss of public or private open space having significant amenity value except in exceptional circumstances. Tower Hamlets Development Management DPD (Submission Version May 2012) policy DM10 does not allow development on areas of open space except for ancillary facilities or as part of wider proposals that increase open space.

9.5 The council accepted the need for car parking space at the Royal London Hospital when planning permission for the redevelopment of the hospital was granted in 2005. At that time it also accepted that there was a requirement for temporary parking provision. This was again accepted when the temporary permission for the car park was renewed in 2010. It is considered that there has been no material change in circumstances to lessen the hospital's 24 hour a day need for a temporary car park.

9.6 The proposal would be neutral in terms of its effect on the character and appearance on the London Hospital Conservation Area. Neither would be enhanced by the continued presence of the car park but, given the car park exists, both the character and appearance of the designated area would be preserved.

## **Conditions on the highway**

- 9.7 The temporary car park provides 36 parking spaces (including 1 space for disabled parking), considerably less than the 322 spaces permitted in the new multi-storey car park. The temporary car park has been operational since 2005 with no significant effect on the flow of traffic on the highway. This accords with policy DM20 of the Tower Hamlets Development Management DPD (May 2012 Submission Version) which requires development not to have unacceptable impacts on the capacity and safety of the transport networks. Transport for London, the highway authority for Whitechapel Road, has no objection to the grant of a further limited period permission.

## **Amenity of residents of Mount Terrace**

- 9.8 Policy SP10(4) of the Tower Hamlets Core Strategy 2010, policy DM25 in the Managing Development: Development Plan Document (Submission Version May 2012), policy DEV2 in the Tower Hamlets Unitary Development Plan 1998 and policy DEV1 of the Council's interim planning guidance 2007 seek to ensure that development where possible protects and enhances the amenity of existing and future residents.
- 9.9 Residents have complained that the BARTS Health NHS Trust has failed to maintain the traffic barrier across MountTerrace, the subject of the legal agreement with the council in 2005. Since the car park use commenced, Skanska have provided two types of system following consultation with the neighbours (initially a hydraulic barrier, followed a swing barrier). Barriers have been vandalised and a third was installed in September 2012 and appears to be operating satisfactorily. It is recommended that any fresh grant of planning permission is conditional upon the maintenance of a temporary traffic barrier across Mount Terrace for the use of residents and the utility and emergency services to prevent other vehicles from using Mount Terrace other than at the entrance to the car park; and also to maintain a traffic barrier across the entrance to the car park to be operated in accordance with the BARTS Health NHS Trust parking permit process.
- 9.10 The car park is approximately 14 metres from the rear of the houses on MountTerrace. A screen was previously provided to prevent NHS staff using the temporary restaurant having views into the upper floors of the houses in MountTerrace. The restaurant was removed in December 2011 when Phase 1 of the new hospital opened. The screen was removed as there was no restaurant for it to screen. The temporary car park is only at ground level, and is screened from the houses either by brick walls or weld mesh fencing approximately 1.8 m high with extensive mature planting. Due to its size, it is considered that it would have been inappropriate to maintain the screen for the ground floor car park. It is not considered that the car park results in undue overlooking and loss of privacy to the residents of MountTerrace.
- 9.11 The car park and its entrance are provided with CCTV surveillance and lighting bollards which assist in ensuring the amenity and security of the houses on MountTerrace is safeguarded. A condition is also recommended to ensure that the CCTV system and lighting bollards are maintained.

## **10. CONCLUSION**

- 10.1 All relevant policies and considerations have been taken into account. Planning permission

should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decisions are set out in the RECOMMENDATIONS at the beginning of this report.

**SITE LOCATION PLAN**

