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|--|--|---|-------------------------------|
| <b>Committee:</b><br>Strategic Development                         | <b>Date:</b><br>16 <sup>th</sup> November 2006 | <b>Classification:</b><br>Unrestricted          | <b>Agenda Item No:</b><br>6.1 |
| <b>Report of:</b><br>Corporate Director of Development and Renewal |  | <b>Title:</b> Planning Application for Decision |                               |
| <b>Case Officer:</b><br>Ila Robertson                              |  | <b>Ref No:</b> PA/06/01393                      |                               |
|  |  | <b>Ward:</b> Bethnal Green North                |                               |

## 1. APPLICATION DETAILS

**Location:** 33-37 The Oval, London, E2 9DT  
**Existing Use:** Scheme approved under PA/05/00421 partly constructed on site.  
**Proposal:** Demolition of existing building. Redevelopment to provide a five storey building for use as 2 Class B1 (business) units on the ground floor with 14 flats above (6 one bedroom, 6 two bedroom and 2 three bedroom flats). Amendments to the scheme granted permission on 15th December 2005 (PA/05/421).(Further Revisions).

**Drawing Nos:** 001 REV C, 002 REV D, 003 REV C, 004 REV C and 005 REV B  
**Applicant:** Neptune Group  
**Owner:** Neptune Group  
**Historic Building:** N/A  
**Conservation Area:** N/A

## 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, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that it:

- a) Is a suitable land use for the site and satisfies environmental and safety criteria adopted by the Council;
- b) Does not result in material harm to the amenity of residents or to the character and environment of the adjacent area.

## 3. RECOMMENDATION

3.1 That the Local Authority give the Health and Safety Executive:

- advanced notice of its intention to grant permission,
- 21 days from the date of the notice to give further consideration of this matter and allow them to consider whether they wish to request that the Secretary of State call-in this application for her determination.

3.2 That the Committee resolve to **GRANT** planning permission subject to:

- A. The prior completion of a **legal agreement** to secure the following aspects secured under the original scheme PA/05/00421:
  - a) Car free agreement
  - b) Repaving / S 278 highways works
  - c) Environmental improvements to The Oval.

- 3.3 That the Head of Development Decisions is delegated power to impose conditions [and informatives] on the planning permission to secure the following:

#### **Conditions**

- 1) Three year Time Limit
- 2) Reserved matters:
  - (i) External materials;
  - (ii) External lighting;
  - (iii) Hard and soft landscaping.
- 3) Landscape Maintenance
- 4) Construction Hours
- 5) Cycle Storage
- 6) Refuse Storage
- 7) Site Investigation
- 8) Sound Insulation
- 9) Signage for the western outdoor area

#### **Informatives**

- 1) Permission subject to Section 106 legal agreement.
- 2) Environmental Health
- 3) Signage

### **4. PROPOSAL AND LOCATION DETAILS**

#### **Proposal**

- 4.1 A scheme was approved for the site on the 12<sup>th</sup> December 2005. However, following interventions by the Health and Safety Executive and the National Grid regarding the proximity of the development to the adjacent gas holders various discussions were held with the developer and a revised scheme was developed. The amended scheme results in the occupied areas of the building being set back by 18m from gas holders.

The revised scheme provides two Class B1 units on the ground floor with 14 residential flats above being 6 one bedroom, 6 two bedroom and 2 three bedroom flats. The access arrangements have altered slightly from the previously approved scheme.

#### **Site and Surroundings**

- 4.2 The previously approved scheme (PA/05/00421) has been partially constructed on site with the reinforced concrete structural framework for the five storey building complete. Works have been ceased until the revised scheme has been considered by Council.

The surrounding area consists of commercial uses with various light industrial, manufacturing and offices uses. To the west of the site is situated a large works site comprising of four gas holder tanks.

To the north of the site is Regents Canal and a number of residential developments are located along the northern side of the canal.

#### **Planning History**

- 4.3 The following planning decisions are relevant to the application:

PA/05/00421 Planning permission approved on the 15 December 2005 for the demolition of existing building and redevelopment to provide a five-storey building comprising 3 business units (B1) on the ground floor with 14 flats above (6 one bedroom flats, 6 two bedroom flats and 2 three bedroom flats).

## 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:

### Unitary Development Plan

|            |          |   |
|------------|----------|---|
| Proposals: | SVCA     | Strategic View Consultation Area                |
| Policies:  | DEV1 & 2 | General design and environmental requirements   |
|            | DEV3     | Mixed use development                           |
|            | DEV4     | Planning obligations                            |
|            | DEV50    | Development and Noise                           |
|            | DEV51    | Contaminated Land                               |
|            | EMP2     | Retaining Existing Employment uses              |
|            | HSG2     | Location of New Housing                         |
|            | HSG7     | Dwelling Mix and Type                           |
|            | HSG9     | Density   |
|            | HSG13    | Internal Standards for Residential Developments |
|            | HSG15    | Development Affecting Residential Amenity       |
|            | HSG16    | Amenity Space                                   |
|            | T15      | Location of New Development                     |
|            | T16      | Traffic Priorities for New Development          |
|            | T17      | Planning Standards                              |
|            | T21      | Pedestrian Needs in New Development             |
|            | T24      | Cyclist needs in New Developments               |

### Emerging Local Development Framework

|                  |       |   |
|------------------|-------|---|
| Proposals:       | CP50  | Strategic View Consultation Area  |
|                  | C6    | Development Site (refer AAP)  |
| Core Strategies: | CP1   | Creating Sustainable Communities  |
|                  | CP4   | Good Design   |
|                  | CP11  | Sites in Employment Use   |
|                  | CP19  | New Housing Provision   |
|                  | CP21  | Dwelling Mix and Type   |
|                  | CP22  | Affordable Housing  |
|                  | CP25  | Housing Amenity Space   |
|                  | CP41  | Integrating Development with Transport  |
| Policies:        | DEV1  | Amenity   |
|                  | DEV2  | Character and Design  |
|                  | DEV3  | Accessibility and Inclusive Design  |
|                  | DEV4  | Safety and Security   |
|                  | DEV10 | Disturbance from Noise Pollution  |
|                  | DEV15 | Waste and Recyclables Storage   |
|                  | DEV16 | Walking and Cycling Facilities  |
|                  | DEV22 | Contaminated Land   |
|                  | DEV23 | Hazardous Development & Storage of Hazardous Substances                               |
|                  | EE2   | Redevelopment/ Change of Use of Employment Sites                                      |
|                  | HSG1  | Determining Residential Density   |
|                  | HSG2  | Housing Mix   |
|                  | HSG3  | Affordable Housing Provisions in Individual Private Residential and Mixed-Use Schemes |

HSG7      Housing Amenity Space

**Supplementary Planning Guidance/Documents**

Residential Space Standards

**Spatial Development Strategy for Greater London (London Plan)**

N/A

**Government Planning Policy Guidance/Statements**

PPG3      Housing

PPG24     Planning and Noise

**Community Plan** The following Community Plan objectives relate to the application:

A better place for living safely

A better place for living well

**6. CONSULTATION RESPONSE**

6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

**LBTH Design and Conservation**

6.2 No objection

**LBTH Highways**

6.3 No objection, as s278 and s106 agreement has already been secured by previous planning permission PA/05/00421.

**LBTH Environmental Health**

6.4 No objection, subject to conditions being included to control hours of construction, sound insulation and site investigations due to contaminated land.

**Health and Safety Executive (Statutory Consultee)**

6.5 Objects to the scheme advising that there are sufficient reasons on safety grounds for the scheme to be refused.

**National grid (Statutory Consultee)**

6.6 No objection, subject to the occupied parts of the building being more than 18 metres from the nearest gas holder(s). However, the scheme as currently constructed on site appears considerably closer than the 18 metres shown on the submitted plans and the valid planning permission and construction appears to be continuing despite LBTH directing applicant to stop work.

Recommends that potential ignition sources within the open area adjoining the gas holders are restricted in accordance with the Institute of Gas Engineers document SR4.

(Officers visited the site on the 16<sup>th</sup> October 2006 and confirm that building works have ceased).

## 7. LOCAL REPRESENTATION

- 7.1 A total of 23 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:

No of individual responses: 0                      Objecting: 0                      Supporting: 0  
No of petitions received:                      N/A

## 8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the committee must consider are:

1. Land use
2. Design and Amenity
3. Health and Safety
4. Highways

### Land use

- 8.2 The principle of a mixed use development in this locality has already been accepted because of the granting of planning permission on the 15<sup>th</sup> December 2005 (PA/05/00421). The scheme still includes provision of 307sqm of employment generating B1 use class floor space on the ground floor. The residential accommodation on the upper floors does not involve the loss of any existing employment generating floorspace. The application is therefore considered to be consistent with UDP Policy EMP2. It is therefore considered in land use terms that the revised scheme is acceptable.
- 8.3 The UDP policies HSG1 and HSG2 seek to encourage residential proposals within localities which are adequately serviced and where an overall satisfactory residential environment can be assured. Given the location of the site, the design of the proposed buildings and residential use within the vicinity, it is considered that this test is met.
- 8.4 The proposed mix of units (6 one bedroom, 6 two bedroom and 2 three bedroom flats), in consideration of the urban context of the site and the existing nature of the building, is acceptable in accordance with policy HSG7 of the adopted Unitary Development Plan.

### Design and Amenity

- 8.5 The proposed revised building design is considered acceptable in terms of the requirements set out under the UDP. In particular, the revisions to the scheme are restricted to the rear of the building where it has been redesigned to achieve an 18m set back from the western gas holders. There have been no alterations to the overall height, massing or scale of the proposal as previously granted.
- 8.6 The amended design has been reviewed by Council Design officers. No objections have been raised.
- 8.7 The adopted Council UDP policies HSG15, DEV2 and DEV50 place a particular emphasis on protecting the amenity of existing and prospective surrounding residential occupiers. It is considered that the scheme provides a satisfactory level of amenity for potential occupants with the provision of both communal and exclusive amenity spaces and unit sizes in excess of the minimum space standards. Furthermore, given the location and design of the building

it is not considered that the amenity of any adjoining residential properties will be affected.

## **Health and Safety**

- 8.8 The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the consultation distance of major hazard installations/ complexes and pipelines.
- 8.9 Their assessment indicates that there is a risk of harm to people at the proposed development. As such, the HSE's advice is that there are sufficient reasons, on safety grounds for advising against the granting of planning permission in this case. However, they do not give specific reasons why they consider this, other than to indicate that there is a possibility that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Moreover, they admit that the likelihood of a major accident occurring is small.
- 8.10 National Grid have advised that they have no specific objection to the proposal, subject to all occupied parts of the scheme being set back by 18 metres from the gas holder tanks. This is the distance they consider is sufficient to ensure the safety of adjacent people. National Grid has also recommended that potential ignition sources are restricted within the open areas directly adjacent to the gas works site in accordance with Gas Engineers document SR4.
- 8.11 The building has been redesigned following the above comments to ensure that the occupied parts of the building are set back by 18m from the nearest gas holder. This distance provides a sufficient separation to ensure that, if an incident did occur at the adjoining site, the occupants would be adequately protected. It is therefore considered that the proposal accords with policy DEV 23 of the emerging LDF submission document, which states that Council will resist proposals where it would cause a significant hazard to health unless suitable mitigation measures have been demonstrated.
- 8.12 In addition, it is recommended that potential ignition sources should be restricted within the open areas directly adjacent to the gas works site. It is therefore considered that a condition should be included to ensure that signage is installed within the rear communal open terraces and courtyards clearly advising future users of this restriction.
- 8.13 As mentioned in section 3.1 of the report, the Council must refer the application back to HSE for a 21-day period if they propose to approve this application. This is to allow them time to consider this matter further, to give sound planning reasons justifying a potential refusal of this application and an opportunity to request that the Secretary of State calls-in this application for her determination. Nevertheless, the Council do not consider that there are sufficient grounds to justify a refusal of this application in this instance.

## **Highways**

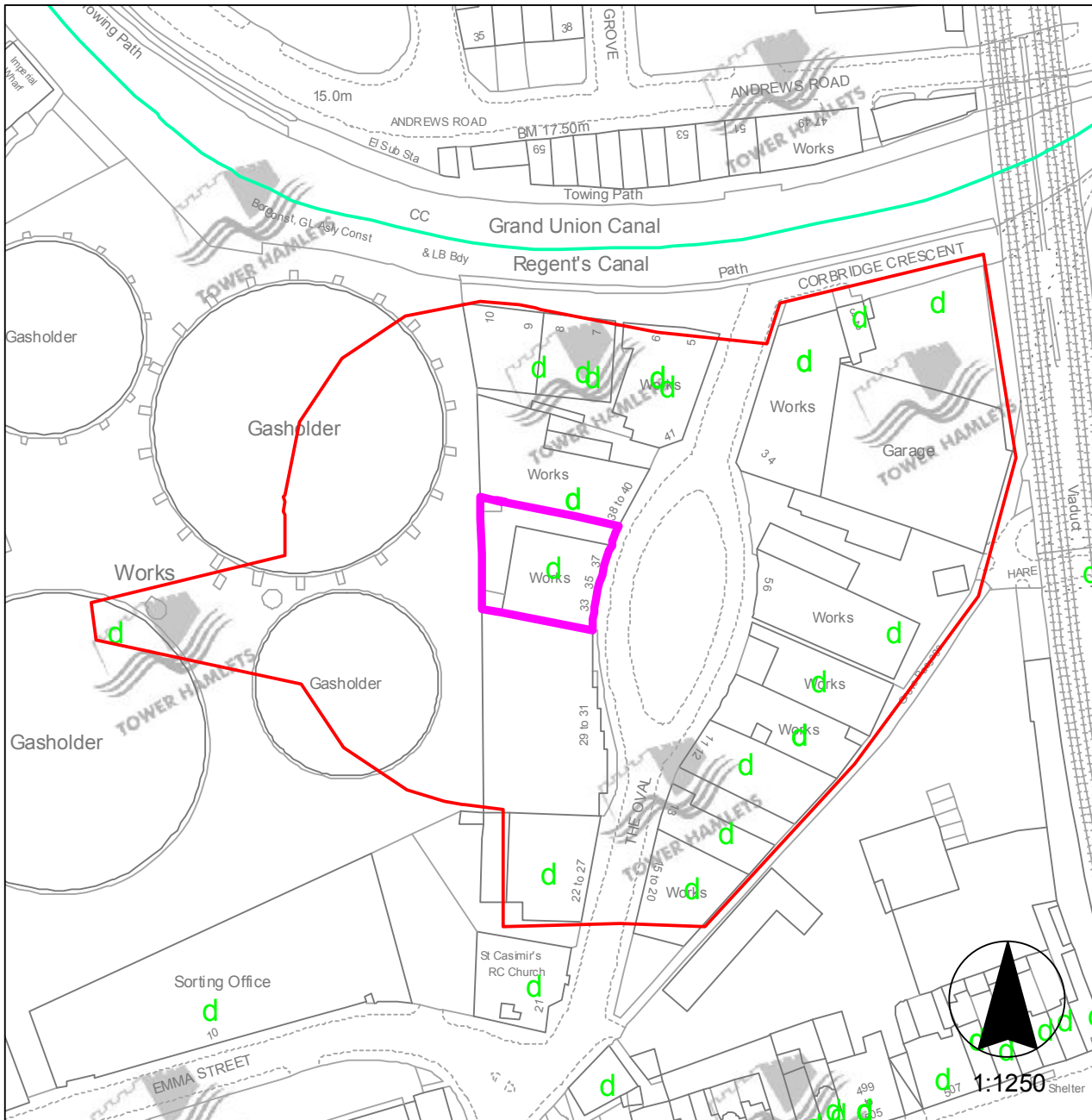
- 8.5 The application site is well serviced by public transport links. The site is located within a 5min walk of the Cambridge Heath railway station that serves both North London and provides access to Liverpool Street Station. The site is within easy walking distance of Bethnal Green Road, Cambridge Heath Road and Hackney Road that are well served by numerous bus routes

The original scheme incorporated both a 'car-free' and streetscape contribution of £21,000 as part of the s106 agreement. To ensure that development would not add pressure to the existing on-street parking in the locality. It is considered that the existing agreement should be carried over to the revised scheme to ensure that the car-free status is maintained.

- 8.7 All other 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 decision are set out in the RECOMMENDATION at the beginning of this report.

## Site Map



### Legend

- Planning Application Site Boundary
- Consultation Area
- d Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568