

Committee: Strategic Development	Date: 9 th January 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Nasser Farooq	Ref No: PA/13/01637
	Ward: Weavers Ward

Site 2: PA/13/01637 Full Planning Application.

Location:	Land at Fleet Street Hill, London, E2
Existing Use:	Vacant
Proposal:	Redevelopment of the site to provide 34 residential dwellings of mixed tenure (7x 1 bed, 12 x 2 bed, 8 x 3 bed, 6 x 4 bed and 1 x 5 bed) in buildings of part one, two, three, four and eight storeys.
	The development includes the provision of 135 sqm of restaurant (Use Class A3) and 671 sqm of flexible commercial and community space (Use Classes A1, B1a, D1 and D2), five car parking spaces plus other incidental works

2. BACKGROUND

- 2.1 The above application was reported to the Strategic Development Committee on the 21st November 2013 with an Officers recommendation for APPROVAL. The Committee resolved NOT TO ACCEPT officers' recommendation to GRANT planning permission (subject to conditions) for the development of the site at Fleet Street Hill.
- 2.2 This application was considered in conjunction with the planning application at Huntingdon Industrial Estate. It was acknowledged that the development at the Huntingdon Industrial Estate would fund the development at Fleet Street Hill. Fleet Street Hill would be used to provide the bulk of the affordable housing obligation arising from the development at Huntingdon Industrial Estate.
- 2.3 Following member's resolution not to accept officer's recommendation on Huntingdon Industrial Estate. Fleet Street Hill was considered as a stand-alone planning application on the basis that whilst it was relying on Huntingdon Industrial Estate to be implemented, if alternative funding could arise it could be implemented on a stand-alone basis.
- 2.4 Since the Committee meeting Officers have received a further letter of representation sent on behalf of the Applicant. The letter queries whether it was sufficiently clear to Members that it was open for them to consider granting permission for this application - even though the application at Huntingdon's Estate was refused.

- 2.5 Officers consider that this matter was made clear to Members on the night, but that Members resolved not to support the recommendation to grant and gave reasons for doing so. However, given the representation received, and to avoid any doubt, Officers re-iterate their advice that it would be open for Members to approve the application at Fleet Street Hill even though Huntingdons Estate is to be refused.
- 2.6 Officers recorded that Members were minded to refuse planning permission for the following reasons:
- The failure to provide a mixed and balanced community given the concentration of affordable housing within the proposed development and the overprovision of private sale within the linked application for Huntingdon Industrial Estate (PA/13/01638, PA/13/01644).
 - The suitability of the site for family housing given the security and environmental challenges within the area and noise and vibration from the nearby railway lines.
 - The commercial units particularly whether the units could be sustainable and viably occupied.

3.0 PROPOSED REASON FOR REFUSAL

- 3.1 Officers have drafted the following refusal reasons to cover the issues raised.

1. The proposed development by virtue of the over-provision of affordable accommodation (particularly in the rented tenure) would fail to create a mixed and balanced community contrary to Strategic Objective 8 and policy SP02 of the Core Strategy 2010, policy DM3 of the Managing Development Document 2013, policy 3.9 of the London Plan 2011 and the National Planning Policy Framework which seeks to promote sustainable development through fostering social diversity and redressing social exclusion.

2. The proposed development, by virtue of its location between two railway lines, is very constrained. The access to site via the footbridge over the railway to Cheshire Street and the underpass from Allen Gardens are poor and make the site unsuitable for the provision of a large amount of family accommodation. The proposal is therefore contrary to the design objectives set within policy 7.1 of the London Plan 2011, policy SP10 and SP12 of the adopted Core Strategy and policies DM23 and DM24 of the Managing Development Document.

3. The provision of a large quantity commercial floorspace is inappropriate given the location of the site outside of a designated Town Centre. The provision of commercial floor space would not create a sustainable place and would be contrary to the objectives of Strategic Objective S06 and Strategic Policy SP10 of the Core Strategy 2010 and policy DM2(2) of the Managing Development Document 2013.

Consideration

- 3.3 Officers consider that the assessment of the merits of this case were carefully balanced in the original committee report. The site is challenging in terms of its location and in its current condition detracts from the quality of the environment of the area. In creating a new mixed use development on the site, and improving connections the scheme could be seen as offering considerable planning benefits. These benefits must be carefully weighed against the concerns raised by Members.
- 3.4 Officers consider that providing a high proportion of rented affordable accommodation on this site could be seen as contrary to the objectives of policies to promote mixed and balanced communities. Officers consider that the first reason for refusal could be defended at appeal.
- 3.5 With regard to the second reason, in line with the assessment in the main committee report, Officers consider that the development could be seen as significantly improving connectivity by providing a high quality development which improves existing poorly defined routes within the area. However, to a degree the assessment of the quality of a place and its connection with neighbouring areas is subjective.
- 3.6 Officers note Members reference to concerns relating to noise and vibration. The findings of the submitted technical studies into these matters were reviewed by Environmental Health Officers who considered that noise and vibration impacts could be adequately mitigated through the use of conditions. The Council also appointed another independent specialist consultant to review the submitted studies, who agreed with this conclusion.
- 3.7 Officers consider including noise and vibration impacts in the reason for refusal could be difficult to defend at appeal given the lack of technical evidence to support our position. In this regard Members are reminded of the advice given by the Planning Inspectorate Guidance on Appeals which states ‘*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.*
- 3.5 Given this advice Officers have drafted the reason for refusal as above which does not take issue with the development in terms of the impact of noise and vibration.
- 3.6 The purpose of including the viability of the commercial units as a reason for refusal was based on a long term concern that the units would become vacant and reduce natural surveillance and blight the development. Officers consider that this reason could be defended at appeal.

4.0 IMPLICATIONS OF THE DECISIONS

- 4.1. If Members resolve to refuse the Application the Council would proceed to issue the decision as there is no requirement to report the scheme to the Mayor of London. Following refusal the following options are open to the Applicant. These would include (though not be limited to):
- 4.2. The Applicant could submit a revised Application to try to overcome the reasons given.

- 4.3 The Applicant could lodge an appeal against the decision of the Council.
- 4.3. 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 of CIL Regulations 2010 (Regulation 122).
- 4.5 Whatever the outcome, your officers would seek to defend any appeal.

5.0 CONCLUSION

- 5.1 All relevant policies and considerations have been taken into account. Whilst officers' remain satisfied that planning permission for the redevelopment of Fleet Street Hill should be **GRANTED**, should Members resolve to **REFUSE** planning permission members are directed to the reasons for refusal given above.

6.0 APPENDICES

- 6.1 Appendix One - Committee Report to Members on 21st November 2013
- 6.2 Appendix Two – Update Report to Members on 21st November 2013