

<b>Committee:</b> Development	<b>Date:</b> 11 March 2015	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
----------------------------------	-------------------------------	--	----------------------------

<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Application for Planning Permission
<b>Case Officer:</b> Kamlesh Harris	<b>Ref No:</b> PA/14/03243
	<b>Ward:</b> Mile End

## 1.0 APPLICATION DETAILS

**Location:** Burdett Community Square, Land off Masjid Lane, St Pauls Way, London E14

**Existing Use:** Private estate road and servicing access with block of seven domestic garages, hard standing areas, car parking spaces and communal space.

**Proposal:** Demolition of a block of seven domestic garages and the introduction of a new publicly accessible open space incorporating a landscaped garden area, revised car parking layout, additional tree planting and improved boundary treatment.

**Drawings and documents:** Burdett Community Square – Landscape, Design and Access Statement, prepared by Standerwick Land Design, November 2014

**Applicant:** Poplar Harca

**Ownership:** Poplar Harca

**Historic Building:** None

**Conservation Area:** None

## 2.0 EXECUTIVE SUMMARY

2.1 The Local Planning Authority has considered this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) in addition to the London Plan (2011) and its subsequent Revised Early Minor Alterations (REMA) (2013) as well as the National Planning Policy Framework and all other material considerations.

2.2 The application proposal seeks permission to redevelop an area of land within the Burdett Estate for new publicly accessible open space ("Community Square") and rassoiciated landscaping and car parking reprovision. The site which measures 2260sqm is located between Bredell House to the west, Matthews House to the east,

St Paul's Way House to the north and bounded by Masjid Lane to the south. The landscape proposals would include the provision of a community square and gardens for residents and the estate in general, together with pedestrian links, improved access and car parking. Redevelopment of the site, within the "Transforming St Paul's Way" area, is considered acceptable in principle and supported by policies in the London Plan (2011), the Councils Core Strategy (2010) and the Managing Development Document (2013).

- 2.3 Given the predominantly residential character of the site's environs, the provision of a resident's community square and gardens (with associated works) within the estate would be acceptable in principle and would be supported in policy terms. The proposed development would deliver a total of 650sqm of community open space/garden on the site. It is considered that the site would provide a suitable recreational/leisure/play environment for existing and future residents of all ages and the proposed community space/open space use is acceptable in land use terms.
- 2.4 This new provision of play and open space compliments the Burdett Estate regeneration which includes a school and residential mixed development (PA/14/02618) on the nearby Linton and Printon Houses/St Paul's Way site. This offers a potential windfall area of publicly accessible open space, for a high quality and "fit for purpose" open space/play area for local residents compared to the existing offer on the . This provision would be in line with policy DM10 of the MDD which seek to ensure that developments provide or contribute to the delivery of an improved network of open spaces. It also recognises that in housing estate regeneration, the provision of a larger consolidated area of open space would be a better option for all local residents, existing and future.
- 2.5 This proposal seeks to provide a community benefit and the provision of play/open space would be in line with national and local policies. Officers note that a large number of residents have expressed concerns about the current management of the estate and communication between the Registered Social Landlord and the local community, however the extent to which they raise planning issues that can be considered in the determination of this application is limited .
- 2.6 In conclusion, officers consider that the creation of this new community square and gardens to include a new play/open space, grassed areas, pedestrian paths, community artworks, ornamental tree and shrub planting and new play features for children under 5s age would accord with the aims, objectives and vision for Bow Common as detailed in policy SP12 of the Core Strategy. The proposal would also accord with national, regional and local planning policies.

### **3.0 RECOMMENDATION**

- 3.1 That the Development Committee resolve to GRANT planning permission, subject to conditions as detailed below.
- 3.2 That the Corporate Director Development & Renewal is delegated power to impose conditions and informative on the planning permission to secure the following matters:

### 3.3 Conditions

1. Three year time limit
2. Compliance with approved plans and documents
3. Samples and details of all materials
4. Details of hard and soft landscaping, including boundary treatment and a Landscaping Management Plan for the new square and playground.

## 4.0 PROPOSAL AND LOCATION DETAILS

### Proposal

- 4.1 The application proposal involves the demolition of all buildings and structures on site including a block of seven domestic garages to create a community square. In more details, the proposal consists of the introduction of a new publicly accessible open space incorporating a landscaped garden area, revised car parking layout, additional tree planting and improved boundary treatment. The new community square would measure approximately 650sqm and would include amenity grass lawns, pedestrian paths, community artworks, ornamental tree and shrub planting plus play features for the under 5s.
- 4.2 The proposal would also include various street and environmental improvement works within the immediate surroundings which would seek to open up the area, improve pedestrian links and visibility and connect the area to the wider estate and locality. Boundary treatment works would be proposed to the northern end of the site whereby the existing damaged brick wall would be refurbished to include cladding and screen planting. In place of the bollards near the existing bin stores, a new boundary treatment would be introduced with gated access to the bin area; feature lighting would also be installed around the site to increase safety and visibility.
- 4.3 Background to this proposal – the proposal for this new community square stems from the proposed Burdett Estate regeneration scheme to provide a school and residential mixed development (PA/14/02618) on the nearby Linton and Printon Houses site on St Paul's Way. Following objections received on planning application reference PA/14/02618 which cited loss of public amenity space as a main concern, the applicant, through this application (PA/14/03243) has sought to provide for local demand for public amenity space. Officers consider this site to be a potential windfall area, for a much improved and "fit for purpose" open space/play area for local residents. However, the two applications whilst being linked, in terms of proximity and timing of the planning applications, are being assessed and recommended for approval on their own merits and independently of each other.

### Site and Surroundings

- 4.4 The application site has an area of approximately 2260sqm and forms part of the larger Burdett and Leopold Estate. The site is an elongated strip of land which starts from Masjid Lane and stretches northward towards St Pauls Way. It is located between Bredel and Matthews Houses and to the north it stretches from east to west, taking in the land lying at the back of the row of shops and parallel to St Pauls Way. It comprises an unnamed estate road used for vehicular access from Masjid Lane for local residents. There are 18 car parking spaces and one disabled parking bay. The estate road also allows access for servicing of an existing underground refuse system (URS).

- 4.5 There are 7 garages on the site which belong to Poplar Harca, located to the north of the site. To the north of the garages, is an unnamed road which provides access from Burgess Street (from the east) to reach the rear of the retail units facing St Pauls Way and located on the ground floor of St Pauls Way House. A bin store is also located to the east of the site, at the end of the access road. The unnamed road from Burgess Street also serves as a delivery/servicing for the retail outlets and for the removal of commercial waste.
- 4.6 St Paul's Way is an area undergoing major changes and the application site also falls within an "Area of Significant Change", known as Transforming St Paul's Way. There are a number of new residential schemes in the vicinity of the application site and several schools as well, Stebon Primary being the closest to the south. Others include St Paul's with St Luke's Primary CE north west of St Paul's Way and St Paul's Way Trust School, a secondary school lying north east on St Paul's Way. The local plan promotes the creation of a civic spine within the St Paul's Way area.
- 4.7 No parts of the application site fall within the curtilage of a listed building or within a conservation area. The nearest conservation areas are Brickfield Gardens and Limehouse Cut, due west and south respectively. Besides being in an area of significant change, the site does not have any other specific policy designations and is located within a predominantly residential area interspersed with educational/commercial uses.
- 4.8 The site has a fairly good accessibility to public transport even though the PTAL is only 2 (in the range 1 to 6 where 1 is low and 6 is excellent). The site is approximately 260m away from Burdett Road, which is served by a number of bus routes, travelling to all directions of the borough; Mile End Road and Mile End Underground Station are just under 1km away by foot, but is easily accessible by public transport (from Burdett Road). The nearest DLR station is in Devons Road about 800m to the east.

## **Planning History**

### Related applications

- 4.9 PA/14/02618 - Demolition of Linton House, Printon House, the Burdett Community Centre building and Mosque to facilitate the redevelopment of the site to create a two-form entry primary school and nursery (Use Class D1), a two-storey Mosque (Use Class D1) and 3 residential blocks ranging between 4 and 8 storeys to provide 109 new dwellings (10x studio, 40x 1 bed, 31x 2 bed, 22x 3 bed, and 6x 4 bed), a new ball court, children's play space, amenity space and cycle parking. This application proposal is recommended for approval, to be heard at the Council's Development Committee, March 2015.

## **5.0 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 Government Planning Policy**

National Planning Policy Framework 2012  
National Planning Practice Guidance 2014

### 5.3 **London Plan 2011 (including Revised Early Minor Alterations)**

- 2.18 - Green infrastructure: the network of open and green spaces
- 3.9 - Mixed and balanced communities
- 6.3 - Assessing effects of development on transport capacity
- 7.1 - Building London's neighbourhoods and communities
- 7.2 - An inclusive environment
- 7.3 - Designing out crime
- 7.4 - Local character
- 7.5 - Public realm
- 7.6 - Architecture
- 7.14 - Improving air quality
- 7.27 - Blue ribbon network: supporting infrastructure and recreational use

### 5.4 **Tower Hamlets Core Strategy 2010**

- SP04 - Creating a green and blue grid
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating Distinct and Durable Places
- SP12 - Delivering place making

### 5.5 **Managing Development Document 2013**

- DM20 – Supporting a sustainable transport network
- DM23 - Streets and the public realm
- DM24 - Place-sensitive design
- DM25 - Amenity

### 5.6 **Supplementary Planning Documents**

- Tower Hamlets, Open Space Strategy
- Tower Hamlets, Biodiversity Action Plan
- Tower Hamlets, Green Grid Strategy
- Recreation & the Mayor's Guidance on Open Space Strategies
- Mayor of London, Open space strategies, Best practice guidance
- Shaping Neighbourhoods: Character and Context
- Further Alterations to the London Plan
- Shaping Neighbourhoods: Play and Informal Recreation
- Shaping Neighbourhoods: Character and Context
- Accessible London: Achieving an Inclusive Environment
- All London Green Grid (2012)

## 6.0 **CONSULTATION RESPONSE**

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

### **LBTH Transportation & Highways**

6.3 The transportation and highways department have no objection to the scheme.

*Officer comment: noted*

**6.4 Crime Prevention Officer (Metropolitan Police)**

No comments received

**LBTH Biodiversity Officer**

- 6.5 There is nothing of significant biodiversity value currently on the application site. The proposed landscaping of the new open space includes features which will benefit biodiversity. The ivy screens on the inside of the north wall will be particularly valuable. Ivy is an excellent wildlife plant, especially when climbing in a sunny location. It provides late autumn nectar and late winter berries (times when few other flowers/fruit are available), shelter for nesting birds such as house sparrows, and is the caterpillar food plant of the Holly Blue butterfly. The rest of the planting appears to be dominated by the ubiquitous evergreen shrubbery. Many of the proposed shrubs are sources of nectar, but this type of planting is not particularly good for biodiversity, and is generally uninspiring for people, too. A mixed planting with a higher proportion of herbaceous perennials, chosen to provide flowers (hence colour for people and nectar for bees and other pollinators) for as much of the year as possible, would be far better for biodiversity and more interesting for people using the open space.

*[Officer would secure condition for landscaping design and choice of planting]*

**LBTH Land Contamination**

- 6.6 No objections to the application, subject to conditions securing the following:

- A 'desk study report' documenting the history of the site.
- A proposal to undertake an intrusive investigation at the site based on the findings of the desk study.
- A 'site investigation report' to investigate and identify potential contamination.
- A risk assessment of the site.
- Proposals for any necessary remedial works to contain treat or remove any contamination.

Occupation/use of the site hereby approved shall not begin until:

- The remediation works approved by the local planning authority as part of the remediation strategy have been carried out in full. If during the remediation or development work new areas of contamination are encountered, which have not been previously identified, then the additional contamination should be fully assessed in accordance with condition [1(iii-iv)] above and an adequate remediation scheme shall be submitted to and approved in writing by the local planning authority and fully implemented thereafter.
- A verification report, produced on completion of the remediation works to demonstrate effective implementation of the remediation strategy, has been submitted to and approved in writing by the local planning authority. The content of the report must comply with best practice guidance and should include details of the remediation works carried out, results of verification sampling, testing and monitoring and all waste management documentation showing the classification of waste, its treatment, movement and/or disposal in order to demonstrate compliance with the approved remediation strategy.

*[Officer would secure the conditions accordingly]*

### **LBTH Clean and Green**

6.6 No comments

### **LBTH Affordable Housing**

6.7 No comments

## **7.0 LOCAL REPRESENTATION**

7.1 A total of 397 neighbours letters were sent to neighbours and interested parties. A site notice was displayed outside the application site and the application was advertised in East End Life.

7.2 The number of representations received in response to notification and publicity of the application is as follows:

No of individual responses:                      Letters: 99 letters of representation (in objection)

7.3 All 99 objections were pro-forma letters (three different pro-forma letters were received) and the following comments were raised:

- Letters from the Burdett Independent Community Welfare Organisation (BICWO) – these were from shop owners along St Paul’s Way, whose shops back onto the application site. Their main issues are with Poplar Harca and the lack of consultation/information as to how the new proposal would impact on deliveries, parking, security and general movement of people.
- The second and third pro-forma set of letters are very similar in nature and objections but differ in style. The issues raised are also about the discontent of the local residents as a result of Poplar Harca’s perceived lack of consultation and failure to inform residents of their future plans.

*[Officer’s comment: the concerns raised primarily relate to lack of communication between the applicant and local businesses and residents which does not raise specific planning issues. In terms of deliveries, parking, security and general movement the proposal does not affect the operations of the existing shops].*

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

8.1 The main application has been assessed against all relevant policies under the following report headings:

1. Land Use
2. Accessibility/Permeability
3. Landscape and Design
4. Amenity
5. Transportation
6. Conclusion

## **Principle of development/Land Use**

- 8.2 The application site is a strip of land located between two blocks of houses, tucked away at the rear of St Paul's Way; it serves various purposes and has several uses, such as an estate road, some car parking, lock up garages and vehicular access for servicing. These sort of spaces are quite prevalent in the borough and bear very little recreational value or accessibility to the general public. The site does not afford a significant level of visual amenity value currently and is also underused as there is no permeability with the rest of the estate. The application has been submitted to seek to address an unmet demand for open space and play provision within the local area.
- 8.3 The Mayor of London promotes open spaces and welcomes their creations within housing developments. In accordance with paragraphs 69 and 70 of the NPPF, the planning system should encourage safe and accessible developments, containing clear and legible pedestrian routes and high quality public space, which encourage the active and continual use of public areas; it should also seek to create safe and accessible environments where crime and disorder does not undermine quality of life or community cohesion. Paragraph 73 seeks to promote access to high quality open spaces and opportunities for sport and recreation which can make an important contribution to the health and well-being of communities.
- 8.4 Policy 3.6 of the London Plan identifies the requirement for the provision of play and informal recreation in all developments. Policy 7.5 seeks to create public spaces which are secure, accessible, inclusive, connected and easy to understand and maintain. These spaces should also incorporate the highest quality design, landscaping, planting, street furniture and surfaces. This policy also highlights that developments should welcome opportunities for the integration of high quality public art and opportunities for greening, through planting of trees and other soft landscaping as an absolute maximum in areas of public open space.
- 8.5 The Council's Core Strategy policy SP04 seeks the delivery of a network of open spaces by creating new publicly accessible open spaces and/or enhancing the quality, usability and accessibility of existing open spaces. Furthermore, developments should promote these spaces and create new green corridors to connect these open spaces to main destination points, such as town centres, schools and other such spaces. Policy SP03 highlights the need for providing high quality leisure and recreational facilities in accessible locations. The supporting text goes on to state that a poor quality public realm can have severe negative effects on communities.
- 8.6 The Council's Managing Development Document DM10 states that development will be required to provide or contribute to the delivery of an improved network of open spaces in accordance with the Council's Green Grid Strategy and Open Space Strategy.
- 8.7 The site has no specific policy designation but does fall within an Area of Significant Change; a booklet titled "Transforming St. Paul's Way" reflects the ambition of the Council to achieve this change in partnership with other stakeholders, to create a civic spine in St Paul's Way which is promoted by the proposed "community square". Core Strategy policy SP12 deals with delivering place making and in particular the area around Bow Common Lane has been identified to deliver successful place making. It seeks to "establish Bow Common as a family focused residential neighbourhood set around the civic spine of St Paul's Way". The priorities for this area include "to bring communities together by focusing community, civic, commercial uses along St Paul's Way."



- 8.8 The principle of redeveloping the application site and creating a new publicly accessible open space incorporating a landscaped garden area, revised car parking layout, additional tree planting and improved boundary treatment is supported by the National Planning Policy Framework (2012), the London Plan (2011) and Tower Hamlets planning policies. In particular, this scheme would accord with the vision of delivering place making as outlined in the Core Strategy. The new community square which would measure approximately 650sqm would provide much needed open/play space in an area where there is an unmet demand already. The new square would include amenity grass lawns, pedestrian paths, community artworks, ornamental tree and shrub planting plus play features for the under 5s.

### **Accessibility/Permeability**

- 8.9 According to paragraph 69 of the NPPF the planning system can play an important role in facilitating social interaction and inclusive communities. Paragraph 73 states that access to high quality open spaces and the opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities. In paragraph 75 it is stated that all opportunities for the protection and enhancement of public rights of way and access should be taken in both the formation of planning policy and in planning decisions.
- 8.10 Policy 3.9 of the London Plan states that development should foster social diversity, repress social exclusion and strengthen communities' sense of responsibility for, and identity with, their neighbours. Policies 7.1 – 7.5 set out that development should interface appropriately with its surroundings, improve access to open space, be inclusive and welcoming with no disabling barriers and be designed so that everyone can use them without undue separation.
- 8.11 The Council's Core Strategy policy SP04 (1E) seeks to promote publicly accessible open spaces as multi-functional spaces that cater for a range of activities, lifestyles, ages and needs. Policy SP10 (4) states that the Council will ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surroundings. Policy SP12 (G) seeks to ensure that places provide for a well-connected, safe, and attractive network of streets and spaces that make it easy and pleasant to walk and cycle.
- 8.12 The Council's Managing Development Document policy DM23 (1A, 1E & 1F) seeks to ensure that development should be well connected with the surrounding area and should be easily accessible for all people by: improving permeability and legibility, particularly to public transport, town centres, open spaces and social and community facilities; incorporating the principles of inclusive design; and ensuring development and the public realm are comfortable and useable. Furthermore paragraph 23.6 which refers to part (1E) of policy DM23 states that the Council will seek to prevent the creation of barriers to movement.
- 8.13 The permeability of the site is currently poor. Access is via Masjid Lane from the south and Burgess Street to the east. The site is hidden from view and not readily accessed by members of the public from St Pauls Way. The proposal would seek to define the area by providing legible vehicular and pedestrian routes; it would also connect the local area to surrounding areas, including new developments by the enhanced pedestrian links. The site would be opened up by the removal of the lock up garages, removal of unnecessary structures, walls and furniture. The new space would be clearly defined and would result in a more user friendly space for the local

community. Furthermore, the community square would link with the development being created on the Linton and Printon Houses site.

- 8.14 Both national and local planning policies place a strong emphasis on creating mixed and inclusive communities where social interaction between all members of society is encouraged. The Council is committed to deliver as much green and open spaces as possible together with tree planting. The new square would create a more legible space, opened and clearly defined together with high quality finishes and landscaping. This space would offer active and passive public amenity space that would create clear links from north to south and would create an opened and safer public space.
- 8.15 As such, officers conclude that the creation of a community square would be in accordance with national, regional and local policies. The proposal would seek to ensure good connection with the surrounding area and the square would be easily accessible for all people. Furthermore, by changing the way this site is used, it would improve permeability, legibility and ensure high quality public realm. It would also provide clear definitions and an appropriate degree of enclosure of the public realm by the clever use of green and brown boundaries and planting.

### **Landscape and Design**

- 8.16 According to paragraph 56 of the NPPF the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.17 Policies 7.1 and 7.4 of the London Plan state that development should promote a good quality environment which results in an area that is easy to understand and relate to; it should have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Development should also improve an area's visual or physical connection with natural features.
- 8.18 The Council's Core Strategy policy SP10 (4) states that the Council will ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surroundings. Policy SP12 (G) seeks to ensure that places provide for a well-connected, safe, and attractive network of streets and spaces that make it easy and pleasant to walk and cycle.
- 8.19 The Council's Managing Development Document policy DM24 (1A) seeks to ensure that design is sensitive to and enhances the local character and setting of the development.
- 8.20 The proposal is for the creation of an open amenity space which includes a community square/garden, pedestrian links, replaced car parking, hard and soft landscaping together with boundary treatment. In terms of overall scale and finish, along with its vehicular arrangements, it is considered that such an addition into the streetscape and the estate in general, would be a vast improvement to the area and would be in keeping with the overall redevelopment programme by Poplar Harca.
- 8.21 The landscape proposal for the entire redevelopment of the site would consist of an area measuring approximately 2260sqm. This would consist of street and environmental improvement works together with the new community square and garden measuring some 650sqm. This would include amenity grass lawns,

pedestrian paths, community artworks, ornamental tree and shrub planting together with play equipment for the under 5s.

- 8.22 The landscape would provide legibility, openness, a sense of space and safety for residents. The public amenity space would now be more accessible from St Pauls Way and through to Masjid Lane. Natural light would be enhanced by the removal of structures on site in particular the block of lock up garages. The proposal would seek to simplify this piece of land and provide a less cluttered landscape which would focus on the community square. Boundary treatments would be enhanced around the whole site and existing walls repaired.
- 8.23 The area would be further enhanced in terms of visual amenity and biodiversity with green planting in the form of trees, shrubs and hedges. Visual interest would be added to the landscape by the use of furniture and artworks together with pergolas and other vertical ornamental features. The children's play area would be equipped with stone boulders, timber stepping logs and formal play equipment. To the north of the site, bollards would be installed to ensure that the square is not accessed by vehicles.
- 8.24 The Council's Biodiversity officer was also consulted. He was generally supportive of the proposal and stated that as there is nothing of significant biodiversity value currently on the application site, the proposed landscaping of the new open space includes features would benefit biodiversity. The proposed ivy screens on the inside of the north wall would be particularly valuable. The officer also advised that a mixed planting with a higher proportion of herbaceous perennials, chosen to provide flowers (hence colour for people and nectar for bees and other pollinators) for as much of the year as possible, would be far better for biodiversity and more interesting for people using the open space. Officers would secure this via the landscaping condition
- 8.25 The Council's planning policies seek to ensure that development is sensitive to and would enhance the local character of an area. The redevelopment proposal of this site would create a more user-friendly and much needed amenity space for local residents of all ages. Overall and in line with policies, officers consider the scheme to be of good quality in general landscape and urban design terms. As such, the scheme is in line with policies 7.1 and 7.6 of the LP (2011), Policy SP10 of the adopted CS (2010), and policy DM24 of the MDD (2013), which seek to ensure development is of high quality design and suitably located. Furthermore, the scheme is considered to deliver an enhanced the street scene and local context and would accord with government guidance as set out in the NPPF, policies 7.8 and 7.9 of the Mayor's LP (2011), Policy SP10 of the adopted CS (2010), and policies DM23 and DM24 of the MDD (2013), which seek to ensure an acceptable standard of design.

### **Amenity**

- 8.26 According to paragraph 17 of the NPPF local planning authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.27 Policy 7.14 of the London Plan states that local planning authorities should put in place strategies to achieve reductions in pollutant emissions and minimise public exposure to pollution.
- 8.28 The Council's Core Strategy policy SP10 (4) states that the Council will ensure that development protects amenity, and promotes well-being (including preventing loss of

privacy and access to daylight and sunlight); and uses design and construction techniques to reduce the impact of noise and air pollution.

- 8.29 The Council's Managing Development Document policy DM25 (1A & 1E) seek to ensure that development does not result in an unacceptable increased sense of enclosure or create unacceptable levels of noise, odour or fumes during the life of the development.
- 8.30 The Council's policies (see Core Strategy SP10 and Managing Development Document DM25) seek to protect, and where possible improve the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm.
- 8.31 The creation of this new open and play space would significantly increase the visual amenity in the area. Furthermore, the communal gain and benefits of this scheme would be enjoyed by the whole community and people of all ages. Currently, the area is underused and badly laid out. The proposal would seek to ensure that good quality materials are used throughout. This would be secured by conditions.
- 8.32 It is not considered that the proposed scheme would create or result in any adverse or harmful amenity issues in relation to businesses and residential neighbours. Officers consider that the separation distance between the residential blocks and children's play area is acceptable and would not lead into any negative noise impacts. Through the use of appropriate conditions, officers would ensure that the appropriate buffer is designed in the development, through careful design and layout of the amenity space.
- 8.33 The shop owners along St Paul's Way have raised concerns about deliveries, parking, security and general use of the space behind the shops. The applicant has stated that no changes are anticipated with the current arrangement for delivery and servicing. The area would be enhanced and clearly defined to create a less clustered landscape. The proposal would also include artworks, street furniture and play equipment.
- 8.34 To conclude, officers are supportive of this scheme which would seek to enhance the local area and significantly improve the enjoyment of this space by providing a community square and associated pedestrian links and walkways. The proposal would not result in any loss of privacy for residents or result in any overlooking issues. On the contrary, the proposal would provide active and passive surveillance, a better outlook and an enhanced visual amenity. This is considered to be in accordance to national and local policies.

### **Highways and Transportation**

- 8.35 According to paragraphs 32 and 35 of the NPPF local planning authorities should take account of whether safe and suitable access to the site can be achieved for all people; and whether development creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, and avoid street clutter.
- 8.36 Policy 6.3 of the London Plan states that development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network.

- 8.37 The Council's Core Strategy policy SP09 (3) states that the Council will not support development which has an adverse impact on the safety and capacity of the road network. The Managing Development Document policy DM20 (2) states that development will need to demonstrate it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network or on any planned improvements and/or amendments to the transport network.
- 8.38 The proposed scheme would affect an existing unnamed estate road which is being retained. Parking on site would be replaced. There is also access to an existing URS which would also be retained and maintained. The URS would not be moved to a different location. The existing garages belong to Poplar Harca and would not be replaced. The bin area to the north of the site would be tidied up and enhanced with boundary treatment and access gates.
- 8.39 LBTH Transportation and Highways, and Clean and Green officers were both consulted on this proposal and have no objections or concerns. It is therefore considered that the proposal accords with policies on safety, waste collection and delivery matters.

### **Contamination**

- 8.40 The council's contamination officer was consulted on this scheme and has no objections to the proposal subject to appropriate and necessary conditions. These relate to the following:
- A 'desk study report' documenting the history of the site.
  - A proposal to undertake an intrusive investigation at the site based on the findings of the desk study.
  - A 'site investigation report' to investigate and identify potential contamination.
  - A risk assessment of the site.
  - Proposals for any necessary remedial works to contain treat or remove any contamination.

The site cannot be allowed for use until the above has been dealt with.

- 8.41 This would be secured by necessary and appropriately worded conditions.

## **9.0 HUMAN RIGHTS CONSIDERATIONS**

- 9.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:
- 9.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a

person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;

- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

9.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

9.4 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

9.5 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

9.6 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

## **10.0 EQUALITIES ACT CONSIDERATIONS**

10.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out

may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

10.3 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

10.4 It is considered that this proposal encourages social interaction and would benefit the whole community by providing a common area for people of all characteristics to enjoy for leisure and recreation purposes.

## **11.0 CONCLUSION**

11.1 All other relevant policies and considerations have been taken into account. Planning permission should be **GRANTED** for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS section of this report.

# 12.0 SITE MAP

