

Committee: Development Committee	Date: 8 June 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Application
Case Officer: Hannah Murphy	Ref No: PA/15/03392
	Ward: Island Gardens

1. **APPLICATION DETAILS**

Location:	188 Westferry Road, London, E14 3RY
Existing Use:	The two large warehouse buildings are used as a self-storage facility with a reception area. The courtyard towards the rear of the site is used as a helipad.
Proposal:	Construction of new entranceway and balcony.
Drawing and documents:	L01192/001A; L01192/002; L01192/003A; L01192/5; L01192/006; L01192/007.
Applicant:	Falcon Heliport
Ownership:	Vanguard Holdings
Historic Building:	N/A
Conservation Area:	N/A

2. EXECUTIVE SUMMARY

- 2.1. This report considers an application for a new entranceway and ramp to serve the Falcon Heliport reception area.
- 2.2. A total of 43 representations were received in objection to this proposal. The objections can be summarised as concerns over a potential increase in helicopter movements, noise, public safety, traffic, air pollutants, dirt and grit and potential contamination.
- 2.3. Officers believe that the proposal is acceptable as the new entranceway is suitably designed and located fronting the helipad landing area and provision has been made for disabled access through the creation of an entrance ramp.
- 2.4. Whilst a number of objections have been raised in relation to potential increase in helicopter movements, unless it can be established that the proposal facilitates the intensification of the use, these objections carry little weight in the determination of the application, as the proposal is not explicitly seeking to increase the capacity of the helipad. It is clear from the information provided and Council records that the use of the site as a helipad is established and exceeds 10 years continued use.

3. RECOMMENDATION

- 3.1. That the Committee resolve to **GRANT** planning permission subject to conditions.
- 3.2. That the Corporate Director of Development and Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:
- 3.3. **Conditions**
 1. Three year time limit
 2. Development to be built in accordance with approved plans
 3. If contamination is found to be present, works will cease until written approval to continue is obtained for the Local Planning Authority.

4. PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1. The site is located on the south western tip of the Isle of Dogs and is bounded by River Thames to the west and Westferry Road to the east.
- 4.2. The site is surrounded by residential developments including Ferguson Wharf Estate, located directly south of the site, and Cyclops Wharf, located directly north of the site, comprises of 180 apartments and 24 mews style houses.
- 4.3. The application site contains two large warehouses used as a self-storage facility and reception area. Towards the rear of the site, adjacent to Thames River is a helipad with two landing spaces.

- 4.4. A hardstanding area capable of accommodating four parking spaces, is located towards the south-west of the site. This area adjoins Ferguson Wharf Estate to the south and east and River Thames to the west.
- 4.5. The site is not listed and does not fall within a conservation area.
- 4.6. The site does not have any site allocations, however falls within the Flood Risk Zone 3 and is identified as an area of Potential Contamination.

Proposal

- 4.7. The proposal involves the construction of a new entranceway, with double doors leading onto a new raised balcony with stairs, a ramp and a balustrade. The works are located to the rear of the site facing the river and helipad. The works are shown below with Figure 1 showing the existing situation and Figure 2 which shows the proposal.
- 4.8. New markings are proposed for both the car-park towards the south-west of the site and also the two helicopter landing spaces. Planning permission is not required for these new markings.



Figure 1 Existing Rear Elevation

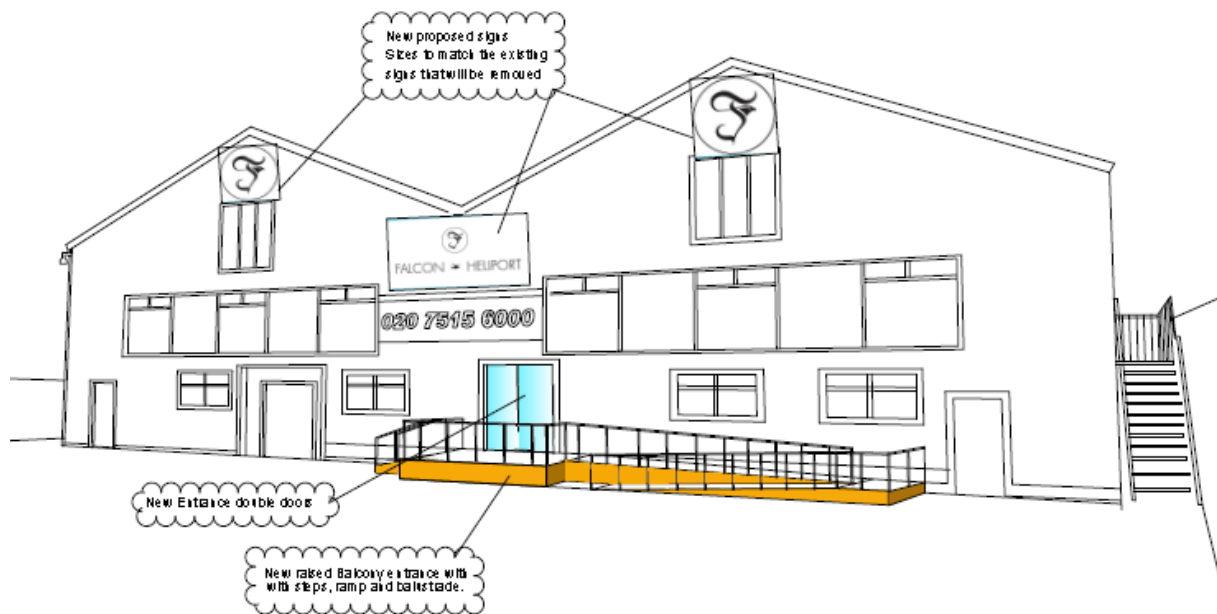


Figure 2 Proposed Entranceway, Ramp and Staircase

4.9. A separate advertisement application has been submitted for the proposed signage as discussed below.

5. RELEVANT PLANNING HISTORY

- 5.1. PA/15/03393 – an advertisement consent application is currently being considered for the erection of five fascia signs.
- 5.2. PA/06/00329 – Advertisement Consent **granted** for the ‘retention of 10 illuminated signs and 6 non-illuminated signs (on street and riverside elevations of warehouses)’ on 19 May 2006.
- 5.3. PA/01/00604 – application **withdrawn** for ‘erection of 12 three storey 6 bedroom houses and a 4 storey block containing 8 two bedroom flats’.
- 5.4. PA/01/00550 – application **withdrawn** for ‘demolition of the existing industrial sheds and ancillary office and the erection of new buildings including a part 7 and part 11 storey tower facing the River Thames, a 5 storey block facing Westferry Road plus associated landscaping and its use as 128 residential units with basement parking, 2 restaurants (Class A3) and 2 ground floor retail shops (Class A1)’.
- 5.5. PA/01/00549 – application **withdrawn** for ‘demolition of the existing industrial sheds and ancillary office and the erection of new buildings including a part 7 and part 11 storey tower facing the River Thames, a 7 storey block facing Westferry Road plus associated landscaping and its use as 117 residential units with basement parking, 2 restaurants (Class A3) and 2 ground floor retail shops (Class A1) - Revised application 18/1/02 (PA/01/00545)’.
- 5.6. PA/01/00545 – application **withdrawn** for ‘demolition of vacant industrial sheds and erection of building up to 17 storeys comprising 185 residential units with 145 car parking spaces’.

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. Government Planning Policy Guidance/Statements

National Planning Policy Framework (March 2012) (NPPF)
National Planning Practice Guidance (March 2014)

6.3. The London Plan – Consolidated with Alterations since 2011 (March 2015)

7.4: Local Character

6.4. Site Designations

N/A

6.5. Tower Hamlets Core Strategy (adopted September 2010) (CS)

SP09: Creating Attractive and Safe Streets and Spaces
SP10: Creating Distinct and Durable Places

6.6. Managing Development Document (adopted April 2013) (MDD)

DM23: Streets and the Public Realm
DM24: Local Character
DM25: Amenity

6.7. Other Relevant Documents

N/A

7. CONSULTATION RESPONSES

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

7.2. The following were consulted regarding the application:

Internal Consultees

Transportation and Highways

7.3. Our view is that the nature of this development requires cycle parking facility; however, Planning has the final decision. Transport and Highways have no further comments.

[Officer's Comment: This comment is addressed in the Highways Section of this report (para 9.16 – 9.20)].

Environmental Health (Contaminated Land)

- 7.4. If during development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

[Officer's Comment: The above comment is addressed in the Contamination Section of this report (para 9.21 – 9.25)].

Environmental Health (Noise and vibration, Smell and Pollution,)

- 7.5. No comments received.

External Consultees

Greater London Authority

- 7.6. Greater London Authority (GLA) has notified the Council that the proposal does not need to be referred to the GLA.

Transport for London

Proposed development

- 7.7. The drawings indicate that a new helicopter landing pad is proposed: the proposed drawings show new markings for two landing pads, whereas there is just one landing pad on the existing drawing. TfL seek clarification on whether both pads will be in use and whether there will be an uplift in trips, in line with London Plan Policy 6.6.

Road safety and infrastructure protection

- 7.8. TfL have a duty to protect TfL infrastructure and London's road users. We request details of how the proposed development will affect helicopter usage of the site, including any changes to quantity of flights, helicopter routing and/or aircraft type.

Car Parking

- 7.9. The proposed layouts drawing shows four car parking spaces adjacent to the helicopter landing area. We request details of any changes to parking at the site.

Trip generation

- 7.10. We request details of the additional trips that the development will generate, as well as details of vehicle routing to the site.
- 7.11. In addition we request information on how the development will affect the servicing of the site.
- 7.12. *[Officer's Comment: The above comments are addressed within the Highways Section of this report*

London Fire and Emergency Planning Authority

- 7.13. Pump appliance access and water supplies for the fire service were not specifically addressed in the supplied documentation. In other respects this proposal should conform to the requirements of Part B5 of Approved Document B.

National Air Traffic Services Ltd.

- 7.14. It is not necessary to license a helicopter site unless it is to be used by a scheduled helicopter service or for flying instruction, including testing. Providing it is not anticipated that a temporary landing site will be used for the purpose of public transport of passengers by more than 10 movements in any one day, rescue and fire fighting services are not specifically required.

London City Airport

- 7.15. No comments received.

London Borough of Southwark

- 7.16. No comments received.

London Borough Greenwich

- 7.17. No comments received.

Public Representations

- 7.18. A total of 256 planning notification letters were sent to nearby properties. The application proposal was also publicised by way of a site notice and press notice. A total of 43 letters of representation were received in objection to this proposal.

A summary of the objections received

Increase in helicopter movements

- 7.19. Concerns have been raised by objectors that the purpose of the proposed alterations is to accommodate an anticipated increase in helicopter movements. Objectors raise a number of concerns associated with an increase in helicopter movements including noise, safety, grit and dirt, air quality and traffic impacts.

Noise nuisance

- 7.20. Whilst some objectors have indicated that the existing level of noise from the helipad is manageable, others have suggested that the existing noise level is disruptive. Objectors largely agree that any increases in helicopter movements would have a detrimental impact in terms of noise.

Public Safety

- 7.21. Objectors have noted the large number of recreational river users and residents in the area and raised concerns about public safety.

Traffic

- 7.22. Objectors have raised concerns about the potential for increases in traffic associated with any potential increases in helicopter movements. Objectors have also questioned the sustainability of using helicopters for transport given the Council's commitment to providing sustainable transport modes.

Pollution

- 7.23. Objections have been received from adjacent residents, who suggest that the stench of combusted fuel, as well as grit and dirt blows across to the adjacent residential apartments.

Contamination

- 7.24. Objectors note that Ferguson Wharf was subject to contamination prior to its redevelopment in the mid-1990s. Objectors indicate a potential for contamination to still exist within the carpark.

Loss of Privacy and Views from the Carpark

- 7.25. Applicants raised concerns that the carpark would block the adjacent resident's views of the river.

[Officer's Comment: These comments are addressed within the material planning section of this report.]

8. MATERIAL PLANNING CONSIDERATIONS

Land Use

- 8.1. The proposed development includes the construction of a new entranceway and ramp to serve the Falcon Heliport reception area.
- 8.2. The proposal includes the relocation of the reception area from the front to an existing area to the rear side of the building, however given that the reception area is ancillary to the existing use of the site, this does not constitute a change in land use.
- 8.3. The sites use as a storage area within the warehouse type buildings and a helipad are established and not subject to change within this application.

Design

- 8.4. London Plan policies 7.4, 7.6 and 7.8 seek to secure the highest architectural and design quality of development and require for it to have special regard to the character of its local context.
- 8.5. MDD Policy DM24 seeks to ensure that design is sensitive to and enhances the local character and setting of the development by taking into account the surrounding scale, height and mass, and providing a high quality design and finish.
- 8.6. The proposal involves the construction of a new entranceway, with double doors leading onto a new raised balcony with stairs, a ramp and a balustrade.
- 8.7. The initial proposal included a staircase, but no ramp. Following discussion with the Council, the proposal has been amended to include a ramp to ensure wheelchair access to the heliport is provided. The design and scale of the proposed entranceway and ramp is considered acceptable and appropriate for the site.

- 8.8. Furthermore, given that the new staircase and ramp will be located on the rear elevation of the warehouse and that the site is bounded by a large brick wall, the proposal will not easily be visible to neighbouring residents and the general public.
- 8.9. For the above reasons, the development accords with Section 7 of the London Plan, Policies SP10 of the Core Strategy (2010) and Policy DM24 of the Managing Development Document (2013), and the objectives set out in the National Planning Policy Framework (2012), which seek to ensure that development is appropriate in terms of design and finishes and is visually appropriate to the and site and surrounding area.

Amenity

- 8.10. Policy DM25 of the Managing Development Document (2013) seeks to protect the amenity of neighbouring residents and building occupiers from the impacts of new development in accordance with policy SP10 of the Adopted Core Strategy (2010). These policies require development to not result in an unacceptable loss of daylight, sunlight, outlook or privacy in addition to not resulting in unacceptable levels of noise during the construction and life of the development.
- 8.11. Objectors raise concerns about noise nuisance created from helicopters taking off and landing.
- 8.12. Given that the proposal is for a new entrance way and ramp/balcony, and not the use of the site, noise created from helicopter movements carry little or no weight in the consideration of this application. It is also noted that any helicopter movements are managed by the Civil Aviation Authority (CAA) under the Civil Aviation Act 1982. This legislation has a number of regulations in place to control activity and flying conditions.
- 8.13. Letters of objection have also raised concerns about the impacts on air quality from helicopters taking off and landing. Given that the application is for a new entranceway and ramp/balcony, this is outside of the scope of the proposal and is therefore carries little or no weight in the consideration of this application.
- 8.14. Adjacent residents raised concerns about both loss of privacy and a loss of views of the river created from the use of the hardstanding are as a carpark. Given this hardstanding area is part of the application site, no planning controls exist over its usage as a car park.
- 8.15. Overall, the proposal would not have an unacceptably harmful impact on the living conditions of occupiers of neighbouring properties and is therefore not considered to be inconsistent with Policy SP10 (4) of the Core Strategy and Policy DM25 of the MDD.

Transport and Highways

- 8.16. Helipad

Questions have been raised about the helipad and whether a new landing space is proposed. The helipad currently has two landing spaces and this will not change. New markings are proposed (and shown on the drawings), but these do not require planning permission and therefore do not form part of this application.

- 8.17. There is also no indication that there will be a change in helicopter movements or any changes to the helicopter routing and aircraft type. This is discussed further in Section 9 of this report.

Cycle Parking

- 8.18. Transport and Highways have requested that cycle parking facilities be provided and similarly Transport for London have requested further information as outlined above. However, given that the proposal will not result in any changes in land use or additional floorspace, officers are unable secure the provision of cycle storage facilities.

Trip generation

- 8.19. Given that the proposal contains only minor alterations to the building, it is not anticipated that there will be any increases in traffic.

Contamination

- 8.20. Policy DM30 of the Managing Development Document states that where development is proposed on contaminated land or potentially contaminated land, a site investigation will be required and remediation proposals agreed to deal with the contamination before planning permission is required.
- 8.21. The application site has been identified as a site of potential contamination.
- 8.22. Given that the proposal does not involve any development (as defined by the Town and Country Planning Act), Policy DM30 does not apply.
- 8.23. However, as per the recommendation of the Environmental Health - Contamination Officer (refer to para 7.4), it is recommended that conditions be put in place to ensure that in the event that contamination is found that appropriate measures are taken.
- 8.24. The proposal is considered to be in accordance with policy DM30 of the Managing Development Document.

9. OTHER MATTERS

Landing Space

- 9.1. The proposal includes the markings on two existing helicopter landing spaces. Some objections raised concerns that new landing spaces were being created, but this is not the case. The new landing space markings are acceptable as they replace what is currently in place and they would not result in an increase in activity on the site and therefore harm to the residents.

Increases in helicopter movements

- 9.2. Objectors have raised concerns that the proposed alterations are to accommodate an increase in helicopter movements.
- 9.3. Given that there is no indication that the proposal will result in an increase in helicopter movements, this would not warrant a refusal of the planning permission.

- 9.4. However, as noted by National Air Traffic Services Ltd, in Section 7.16 of this report, in the event that helicopter movements exceed 10 movements per day the helipad would need to be licenced.
- 9.5. It is also noted that commercial helicopters landing at Vanguard Heliport are required to comply with stringent regulations which would make any increases in helicopter movements difficult. For example, to land at Vanguard Heliport, commercial helicopters are required to meet the standards under Performance Class 1 as defined in CAP393 Air Navigation the Order and Regulations Section 1 Part 33 Interpretation.
- 9.6. Furthermore, the site is located in close proximity to the Specified Area defined within Regulation 2 of the Air Navigation (Restriction of Flying) (Specified Area) Regulations 2005 (SAP393), and also within a Congested Area, as defined within the Rules of the Air Regulation 2015 Section 3 Para 5. As such helicopters using Vanguard Heliport must meet a number of stringent requirements; however these are outside the scope of this application.

Public Safety

- 9.7. The Council received a number of letters of representation concerned about public safety with regards to a heliport operating in close proximity to the river and the surrounding residential area. The use of the site as a helipad is established in planning terms, and is governed by the Civil Aviation Authority. Therefore public safety, whilst a material planning consideration, is one that carries little or no weight in the consideration of this application.

Dirt and Grit

- 9.8. Objections were raised from neighbouring residents about dirt and grit blowing over from the helipad. This report considers an application for the construction of a new entranceway and ramp. Therefore any impacts from the helipad itself carry little or no weight in the consideration of this application.

10. HUMAN RIGHTS CONSIDERATIONS

- 10.1. 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:-
- 10.2. 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 Conventions rights are likely to relevant including:
 - Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by the 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's interest (Convention Article 8); and
 - Peaceful enjoyment of possession (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 competing interests of the individual and of the community as a whole”

- 10.3. 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.
- 10.4. Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 10.5. Both public and private interests are to be taken into account in the exercise of the Council’s planning authority’s power and duties. Any interference with a Convention right must be necessary and proportionate.
- 10.6. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.7. 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.
- 10.8. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified.

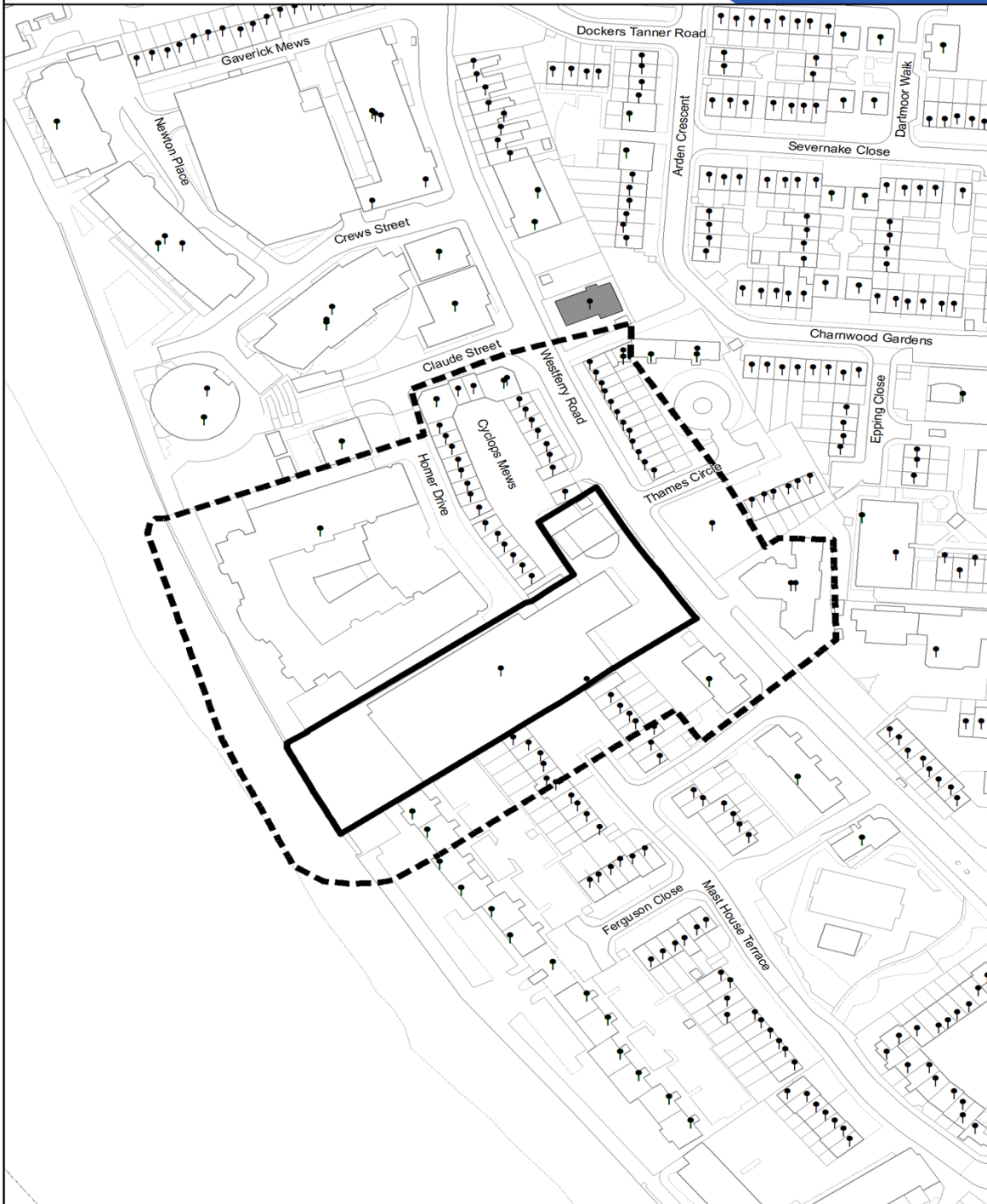
11. EQUALITIES







- 11.1. The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
 - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.2. 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.
- 11.3. The proposal will provide wheelchair access to the reception and waiting area and is therefore in accordance with the Equality Act 2010.

12. CONCLUSION

- 12.0 All other relevant policies and considerations have been taken into account. Planning permission should be **approved** for the reasons set out in RECOMMENDATION section of this report.

Planning Application Site Map
PA/15/03392



	Planning Application Site Boundary		Locally Listed Buildings		Land Parcel Address	
	Consultation Area		Statutory Listed Buildings	0 40 m		

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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