

Committee: Development	Date: 27 th August 2008	Classification: Unrestricted	Agenda Item No: 6.1
Addendum Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Tim Porter		Ref No: PA/08/00681	
		Ward(s): Weavers	

1. APPLICATION DETAILS

Location: 151-157 Gosset Street, London, E2 6NR
Existing Use: Vacant Industrial
Proposal: Demolition of existing buildings and construction of 51 residential units within buildings rising from two to six storeys together with associated cycle parking and accessible landscaped roof garden.
Drawing Nos: 6006 – D 1002-rev02, 6006 – D 4100-rev09, 6006 – D 4101-rev05, 6006 – D 4102-rev04, 6006 – D 4103-rev04, 6006 – D 4104-rev04, 6006 – D 4105-rev04, 6006 – D 4106-rev02, 6006 – D 4700-rev04, 6006 – D 4701-rev04, 6006 – D 4702-rev07, 6006 – D 4703-rev04, 6006 – D 4500-rev01, 6006 – D 4501-rev00, 6006 – D 4900-rev11, 6006 – D 4901-rev11.
Applicant: Barratt Homes (East London Division)
Owner: Shougre Ahmed
Historic Building: N/A
Conservation Area: N/A (However, the site is adjacent to Jesus Hospital Estate Conservation Area).

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 Plan (Consolidated with Alterations since 2004), the London Borough of Tower Hamlets Unitary Development Plan 1998 and associated supplementary planning guidance, the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and Government Planning Policy Guidance and has found that:
- 2.2 • The proposal is in line with Mayor and Council's policy, as well as government guidance, which seeks to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004) and HSG1 of the Council's Interim Planning Guidance (2007) which seeks to ensure this.
- 2.3 • The proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies 3A.5, 3A.9 and 3A.10 of the London Plan (Consolidated with Alterations since 2004), policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2, HSG3 and HSG4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure that new developments offer a range of housing choices.
- 2.4 • The loss of the employment use on site is acceptable because the site is unsuitable for

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Eileen McGrath 020 7364 5321

continued industrial use due to its location, accessibility, size and condition. As such, the proposal is in line with employment policies 3B.4 and 3B.8 of the London Plan (Consolidated with Alterations since 2004) and policies CP9, CP11, CP12, CP19 and EE2 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and CFR1 of Council's Interim Planning Guidance City Fringe Area Action Plan (2007), which consider appropriate locations for industrial employment uses.

- 2.5 • The density of the scheme would not result in the overdevelopment of the site and any of the problems that are typically associated with overdevelopment. As such, the scheme is in line with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004), policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP5, HSG1, DEV1 and DEV2 of Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to provide an acceptable standard of accommodation.
- 2.6 • The quantity and quality of housing amenity space and the communal/child play space strategy is considered to be acceptable. As such, the amenity space proposed is acceptable and in line with PPS3, policies 3A.18 and 4B.1 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, DEV12, HSG16, and OS9 of the Council's Unitary Development Plan 1998 and policies DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to improve amenity and liveability for residents, without adversely impacting upon the existing open space..
- 2.7 • The safety and security of the scheme is acceptable and in accordance with policy DEV1 of the Council's Unitary Development Plan 1998 and policy DEV4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which requires all developments to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 2.8 • The building height, scale, bulk and design is acceptable and in line Planning Policy Guidance 15, policies 4B.1, 2, 3 and 5 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV3, DEV4 and CON2 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure buildings are of a high quality design and suitably located.
- 2.9 • Transport matters, including parking, access and servicing, are acceptable and in line with policy 3C.23 of the London Plan (Consolidated with Alterations since 2004), policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure developments minimise parking and promote sustainable transport option.
- 2.10 • Sustainability matters, including energy, are acceptable and in line with policies 4A.3 to 4A.7 of the London Plan (Consolidated with Alterations since 2004) and policies DEV 5 to DEV9 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to promote sustainable development practices.
- 2.11 • The proposed development will provide appropriate contributions towards the provision of affordable housing, health care, education facilities and open space in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
- 3.2 A. Any **direction** by **The Mayor**
- 3.3 B. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:
1. Affordable housing provision of 35% of the proposed habitable rooms with an 80/20 split between rented/ shared ownership to be provided on site
 2. A contribution of £51,000 to mitigate the demand of the additional population on health care facilities.
 3. A contribution of £98,736 to mitigate the demand of the additional population on education facilities.
 4. Provide £50,000 towards open space improvements at Warner Green to relieve the pressure that may arise from the new dwellings.
 5. A total contribution of £61,619 towards upgrading part of Durant Street adjacent to the development site, including:
 - the relocation of bollards and construction of shared surface on the south of Durant Street to permit vehicular turning;
 - the repaving/upgrade of the pavement on the east side of Durant Street; and
 - carriageway resurfacing and public realm improvement on Durant Street.
 6. Completion of a car free agreement to restrict occupants applying for residential parking permits, apart from disabled users.
 7. TV reception monitoring and mitigation;
 8. Commitment towards utilising employment initiatives in order to maximise the employment of local residents.
- 3.4 That the Head of Development Decisions is delegated power to impose conditions on the planning permission to secure the following:

Conditions

1. Permission valid for 3 years
2. Details of the following are required:
 - Samples of materials for external fascia of building;
 - A 1:20 scale north elevation that includes all specifications, fencing, rainwater pipes, external details (including samples);
 - 1:10 typical details for windows, balcony, and elevation bay where interface between timber panels and brickwork is visible (including samples);
 - 1:5 details for roof railing, top storey metal cladding detail (including samples); and
 - Detailed landscape plan for roof-top amenity space (including samples).
3. Landscape Maintenance and Management Plan. Native species should be implemented
4. Parking – 0 car parking spaces and a minimum of 66 cycle spaces
5. Archaeological investigation
6. Investigation and remediation measures for land contamination (including water pollution potential)
7. Full particulars of the following:
 - Surface/ foul water drainage plans/ works; and

- Surface water control measures.
8. Details of the site foundations works
 9. Construction Environmental Management Plan, including an Air Quality measures
 10. Sustainable design measures and construction materials, including of energy efficiency and renewable measures.
 11. Limit hours of construction to between 8.00 Hours to 18.00 Hours, Monday to Friday and 8.00 Hours to 13.00 Hours on Saturdays. No work on Sundays or public holidays.
 12. Limit hours of power/hammer driven piling/breaking out to between 10.00 Hours to 16.00 Hours, Monday to Friday.
 13. All residential accommodation to be built to Lifetime Homes standard, including at least 10% of all housing being wheelchair accessible.
 14. Preparation of a Travel Plan
 15. Details of Refuse Management Plan
 16. Highway works surrounding the site to be submitted to and approved by the Council.
 17. Any other condition(s) considered necessary by the Head of Development Decisions

Informatives

1. Section 106 agreement required.
 2. Section 278 (Highways) agreement required.
 3. Site notice specifying the details of the contractor required.
 4. Construction Environmental Management Plan Advice.
 6. Environment Agency Advice.
 7. Environmental Health Department Advice.
 8. Metropolitan Police Advice.
 9. Thames Water Advice.
 10. Highways Department Advice.
 11. Advertising signs and/or hoardings consent.
- 3.5 That, if by 27th November 2008 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

4.0 BACKGROUND TO THIS REPORT

- 4.1 This application was presented before the members of the Development Committee on the 30th July 2008. The original report, recommending approval of this proposal subject to conditions, is attached as **Appendix 1**. Attached as **Appendix 2** is a copy of the Development Committee 'decisions on planning applications' of the 30th July 2008 meeting. Further, attached as **Appendix 3**, is a copy of the Development Committee minutes of the 30th July 2008 meeting.
- 4.2 At this meeting, the Committee indicated that it did not support the officer's recommendation to grant planning permission for the proposed development.
- 4.3 The Service Head, Development Decisions advised the Committee that the application would therefore be deferred and the subject of a further report to the next meeting, which would address potential grounds for refusal. Members indicated that they were concerned about the following matters:
1. The percentage of family-sized homes included in the market element of the proposed development is insufficient; and
 2. The proposed building would give rise to adverse overshadowing implications for the neighbouring residential properties.
- 4.4 Further, members informally raised concern over the separation distance between the

northern elevation of the development and the adjacent dwellings on Wellington Row.

5.0 PLANNING ADVICE

Housing Mix

- 5.1 The planning department are of the opinion that it is unlikely that the member's indicated reasons for refusal are defensible for the following reasons:
- 5.2
1. The proper application of policy HSG2 of the Integrated Planning Guidance (IPG) is not to regard the percentages as rigid criteria, but as guidelines. It is significant in this regard that policy CP21 refers to the percentages as targets. Furthermore, such an approach accords with general approach to making planning decision in which competing factors must be weighed against each other. An approach which treats these policies as providing guidelines as opposed to rigid criteria sits more comfortably within the wider policy matrix in which the decision has to be taken.
 2. The Council has previously approved developments of a comparable nature with smaller percentages of family sized accommodation in the market element. In this circumstance, it would be unreasonable for the Council to rigidly apply this policy in light of recent decisions.
 3. To treat the numbers as rigid criteria would be inconsistent with the Committee's treatment of the density of the Development. The Committee took no express issue with the proposed density earlier.
 4. When considering this application, the simple point must be made that overall the Development exceeds the contribution of family units required by policy and that, although there is a shortfall of family units in the market element, that short fall is not considered to be material given the Development's overall performance.
 5. It is arguable that, by demanding a significantly larger percentage of family units in the social rented segment, the policies themselves indicate that more weight ought to be placed on the percentage of family units in the social rented segment as opposed to the market segment.

Daylight, Sunlight and Overshadowing

- 5.3 The applicants' Daylight and Sunlight report prepared by Delva Patman Associates concludes that the only adverse impacts in terms of daylight were in relation to three windows out of 108 tested by VSC analysis and in relation to one window out of 277 tested by 'no-sky contour' analysis. The windows that failed were identified at 115 Wellington Row. Delva Patman Associates were requested to carry out an average daylight analysis (ADF) in relation to that property. The results of that analysis confirmed that the impact was negligible and complied with the BRE guidelines.
- 5.4 The development was also found to have a negligible impact on the sunlight adequacy to neighbouring habitable rooms in sunlight terms, in accordance with the BRE guidelines. Further, the assessment looked at the degree of overshadowing caused by the development which was also found to be acceptable in accordance with the BRE guidelines.
- 5.5 This is an area in which an objective analysis has been carried out against set national guidelines. There is no further or conflicting evidence on this point. The planning department considers that there is no basis on which to argue against the conclusion that the overall impact of the Development is negligible in these terms.

Separation Distance

- 5.6 Members had informally raised concerns with the separation distance between the development and Wellington Row. The Committee was advised that the application was revised to address the planning departments concerns on this issue. Windows on the ground and first floor of the northern elevation have been moved so as not to directly face windows in 115 Wellington Row. As a result of which the potential for overlooking has been reduced.
- 5.7 In considering this matter the underlying policy thrust is to preserve privacy and the professional advice of the Planning Department is that there is no material harm in this regard having amended the plans. Furthermore, any harm that is caused by the relationship between the northern elevation and 115 Wellington Row is to be judged in the urban context of the Development as a whole.

Other reasons for refusal

- 5.8 In considering any further potential grounds of refusal, the planning department are of the opinion that no material harm arises from the proposals and would not propose any other grounds of refusal.
- 5.9 In conclusion, given the general merits of the Development, none of the proposed reasons for refusal are considered by officers as likely to be upheld on appeal. On that basis, the officers' recommendation remains unchanged.

6.0 Conclusions

- 6.1 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.